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The Solicitors' Journal.

LONDON, JANUARY 6, 1866.

ON THURSDAY NEXT Hilary Term will commence; and several law courts will open at ten o'clock, as on that session there will be no reception of the judges by the Lord Chancellor.

THERE ARE 101 APPLICATIONS for next term, and the vacation following, for admission as attorneys. The stamp duty produces nearly £90,000 a-year in the United Kingdom.

THAT INDEFATIGABLE COMMISSIONER of the Poor Law Board, Mr. Farnall, is doing all in his power to promote the interests of the poor in the Houseless Poor Act, and, with that view, taken the matter up in earnest. Much difficulty seems to have been experienced in making guardians of the poor understand that the Act passed in 1864, and continued in 1865, by no means increases their obligation to provide for the poor, which was as great formerly as it is now; but merely, with the intention of making them carry that obligation into effect, facilitates the method of its performance by providing that the expenses of casual wayfarers and wanderers shall be distributed over the whole metropolis. At length, however, an understanding appears to have been arrived at between the Poor Law Board and the guardians of the metropolitan unions, and on Saturday, the 30th ult., a meeting of guardians took place, under the chairmanship of Mr. Farnall, for the purpose of considering measures for carrying out the Houseless Poor Act in a uniform method. That the Act has been in a great measure successful is shown by the fact that more than twice the number of poor are now taken in and provided for than formerly received shelter. The objection made by some persons, that it is unfair to make the poor chargeable on the funds of the Board of Works, is simply idle, because the rates levied by the Board of Works are based on the poor rate assessment, and it can make no material difference to the ratepayers whether they pay their small *quota* to a central fund, or to the overseers of their respective parishes, save only that the expense of the existing system is somewhat the lesser, as it saves any outlay that might be incurred in obtaining the money from the several parish officers. If we rightly understand the effect of the meeting above mentioned, it has produced unanimity among guardians in their desire to carry out the law as regards houseless poor, almost to the extent of enthusiasm. They have agreed, as far as possible, to an uniform dietary and an uniform labour test over the whole metropolis, so as to make it almost unimportant to "a casual," which union he patronises for his night's lodging, while his need of assistance will be properly tested by an allotted task. Too much praise for his great exertions cannot be awarded to Mr. Farnall, and the fact that the distress witnessed in the streets is sensibly decreased, is a proof that his efforts are meeting the success they deserve.

WE LEARN that a curious question is likely to arise in reference to chancery cases brought in the Sheriff's

Court, inasmuch as an omission in the new Act renders the rights of suitors somewhat difficult. In the County Courts Act there is a special clause which enables parties dissatisfied with the decision of the judge to appeal to the Vice-Chancellors, but in the course of a case tried recently, Mr. Commissioner Kerr pointed out to the learned counsel engaged in the case that there was some doubt as to the right of appeal against a decision given by himself as judge of the Sheriff's Court, and therefore the parties might, if they pleased, remove the case. This was declined, and the case proceeded. Two books, one by Messrs Gibbons and Harvey, and the other by Mr. Davis, agree that there is no appeal from the Sheriff's Court. The learned gentlemen who have written upon the subject express a decided opinion that, while the words of the section apply to county courts positively, there is an omission of any mention of the Sheriff's Court, and therefore there is no appeal. We confess that we do not agree with them.

IN ORDER TO UNDERSTAND thoroughly the basis on which an extradition treaty between two countries can be entered into, it is necessary, as a preliminary step, to acquire a full practical knowledge of the law of both countries, as each affects persons charged with crimes which are to be the subject of the treaty. Much as it might be desired, it is by no means essential, that the law of either country should be altered to meet cases which must arise, but a common understanding should be come to, based upon the existing laws, and for the purpose of equality the mode of procedure agreed upon, as to what shall in one country be taken to be equivalent to the procedure in the other in a similar case; or perhaps we may broadly explain our meaning by saying that it should not be necessary or allowable in the one country to go through the form of a trial before delivering up a criminal, while, in the other, a mere accusation on oath would secure his extradition. The French Government is understood to have given notice of its desire that the Extradition Treaty, now in force between England and France, should no longer continue. In commenting on this fact and on extradition treaties in general, the *Saturday Review* takes occasion to taunt England with a want of confidence in French law, because we are not (or were not in 1852) content to adopt the French procedure, and to accept the *acte d'accusation* from the *Ministere Public*, as proof of the criminality of a Frenchman seeking asylum in this country. It may be a matter for regret that the law and practice of both the countries in question is not the same on this point, but our contemporary will perhaps forgive Englishmen if they refuse to deliver up to the French authorities persons charged with crimes, unless it be first shown, according to English notions of justice, that there is a *prima facie* case against the accused. The theory on which these treaties are based is not "that each of the contracting parties is satisfied that the judicial system of the other is one in which it may repose confidence, as being just and fair;" but each of the contracting parties submits its subjects to an ordeal found unavoidable, namely, that the crime charged should be proved to be a crime according to the law, and by means of the procedure of the country in which the fugitive is found; not through any confidence reposed in that law or mode of procedure, but because no country has been yet found traitor enough, if we may use the term, to deliver up a refugee, except he be proved to be a criminal, i.e., guilty of some act which, if committed in the country of his refuge, would there have brought him within the grasp of the criminal law. Thus England is not yet prepared to show that confidence in the French system which the writer in the *Saturday Review* considers necessary for bringing the question of the Extradition Treaty with France before Parliament. That system works too much against the accused person, and by no means acts upon that valuable maxim of our own jurisprudence, which gives the prisoner the benefit of a doubt. If England

waits to renew the treaty until we have confidence in French criminal procedure, several generations must pass away, or English opinion or French practice, or both, must be materially altered in this respect.

IT IS UNDERSTOOD that Mr. Forsyth, M.P., Q.C., has been appointed to act as Deputy-Judge of the Mayor's Court of the Corporation of London during the absence of the Recorder in Jamaica.

IT IS TO BE HOPED that whatever may be the result of the inquiry into the late lamentable proceedings in Jamaica, which we do not desire to anticipate by a suggestion, advantage will be taken of the opportunity to put the law on the subject of Military Tribunals into shape. There appears to be the greatest confusion upon the subject at present, and it seems almost impossible to conjecture whether, supposing such a military court as that which sat at Morant Bay to have any legal status at all, there are any and what limits to its jurisdiction, or restraints upon its procedure. Two exceedingly able letters have lately appeared in the *Manchester Guardian*, written, apparently, to show, first, that the proceedings of the "court-martial" in question were unwarranted by, and opposed to, the provisions of the Mutiny Act and the Articles of War; and, secondly, that under the circumstances, as they appear from the official accounts themselves, there was no such pressing necessity as would avail to set aside the restrictions imposed by these documents on the exercise of an authority which is all but despotic. This appears to us, however, although doubtless sound in point of law, to raise a secondary issue in a case where it is all important that the public gaze should be kept fixed on the one grand point.

We have no personal animosity to any of the actors in these unfortunate proceedings, nor any desire to scrutinise narrowly their conduct to see if it can be brought under the lash of the criminal law, but we are sincerely desirous that the question should not be permitted to slumber until we have it authoritatively and unmistakably pronounced that no military court whatever, however constituted, has any jurisdiction to try a British subject for any civil offence of whatever magnitude, and that, without an express Act of the Legislature directed to the specific conjuncture, as in the case of the Irish Act of 1798, and the suspension of the Habeas Corpus Act in 1848, no power exists in the Sovereign of this country, or any of her representatives, to interfere with the ordinary course of the criminal law as administered in "the Queen's courts."

The maintenance of this principle is of more importance, as it seems to us, than all the other issues involved in this question put together; and though we cordially acknowledge both the ability and justice of the letters in question, we should sincerely regret it should the present investigation "go off upon" so minor a point.

We perceive that an attempt has been lately made to represent this inquiry as an interference with the independence of the Colonial Legislature, on the ground that the Governor is responsible to that Legislature, and to it alone; but this is, *pace scriptorum*, nonsense: the Governor is the representative of, and responsible to, the Crown alone, and is not responsible—while Governor—to any Legislature whatever, save in so far as the Imperial Parliament can, in effect, control the action of the Crown; though no doubt an ex-governor, like any other subject, is amenable to the courts of this country for all acts done by him while governor, which were not covered by his lawful authority, a protection which, as *Mostyn v. Fabrigas* sufficiently shows, would not extend to any illegal act whatever.

The commission in question, therefore, whatever may be its power of action in the colony, is rightly issued by the Crown to inquire into the acts of a servant of the Crown, who is clearly not responsible, though his subordinates are, to the Colonial Legislature; but nothing which this commission may do can affect any-

one except the Crown. Government will no doubt be guided by the report of the Commissioners, and public opinion in this country will be greatly swayed by it; but the right of any private person who has been, or thinks that he has been, wronged, to bring before the courts of this country—civil or criminal—any one or more of the actors in this tragedy against whom he may fancy he has a case, remains just the same as ever; and nothing but the verdict of a jury after a regular trial can effectually release from liability any of the persons against whom charges have been made. Be it remembered that all British subjects are triable in any English or Irish county where they may happen to be, upon any criminal charge, founded on acts done or alleged to have been done by them in any colony, or elsewhere out of the United Kingdom, in the same manner in all respects as if such acts had been committed in the county in which the indictment is found.

WE LEARN from the *Birmingham Post* that the name of Mr. J. F. Stephen may be added to the list of candidates for the Recordership of Birmingham, about to be vacated by Mr. M. D. Hill. Mr. Stephen was called to the bar in Hilary Term, 1854, by the Hon. Society of the Inner Temple, and is a member of the Midland Circuit, where he holds a distinguished place. He has also distinguished himself as an ecclesiastical lawyer, following in the steps of the Recorder of Winchester, who is so nearly his namesake.

He was one of the counsel for Dr. Williams in the famous "Essays and Reviews" case, before the Privy Council, and again, before the same august tribunal, he took a prominent part as one of the counsel for Bishop Colenso in the South African Church Appeal. The learned gentleman is also the author of a work on criminal law, and acted as secretary to the last commission on Elementary Education.

WE ARE INFORMED that Mr. Pell, the Leamington magistrate, about whom there was such a disturbance a week or two ago,* has requested the Lord Chancellor to take his name off the commission of the peace for the county of Warwick. Mr. Pell has sent to his lordship the following letter:—"The Right Hon. the Lord High Chancellor, &c., London. Leamington, 21st December, 1865.—My Lord,—Numerous accusations, made in writing against me by some of the magistrates of the Leamington bench, having been given to the Lord-Lieutenant for transmission to your Lordship, setting forth their reasons for refusing to sit with me on the bench, I asked to be allowed to have a copy of the same, which was peremptorily refused. I had, then, no alternative but to make an application to your Lordship for a copy, which your Lordship has thought fit to deny me. I have, therefore, no means of answering the charges and exculpating myself from the calumnies with which I have been assailed. Under such circumstances, my Lord, I will no longer continue to act as one of her Majesty's justices of the peace for the county of Warwick, and request that my name may be immediately taken out of the commission.—I have the honour to be, my Lord, your Lordship's obedient servant—OWEN PELL."

MR. JOHN BLOSSETT MAULE, of the Inner Temple and Midland Circuit, Recorder of Leeds, son of the late Solicitor to the Treasury, has been appointed the third member of the Jamaica Inquiry Commission, to act with Sir Henry Storks and Mr. Russell Gurney. Mr. Maule has received the highest recommendations from the judges on the circuit, Mr. Justice Shee and Mr. Justice Mellor. A communication to the Mayor of Leeds has been made as to the appointment of Mr. Maule, similar to that made to the city of London in the case of Mr. Russell Gurney. Mr. Roundell, of Lincoln's-inn, barrister-at-law, has been appointed secretary to the commission.

THE REPORT OF THE CAPITAL PUNISHMENT COMMISSION.

Murders of more moving incident or of fouler cruelty than usual, happening since the appointment of the Capital Punishment Commission, have led us, in various articles, to discuss punishment by death, in relation to the murderer, the people, and the crowd at the scaffold, and to adduce arguments for and against public hanging.

The commission has now made its report. It ought to be called a partial report, for on more than one main point intrusted to the commissioners for inquiry, and chiefly the operation of the existing laws, there is no report at all. While the commissioners were in fact appointed to inquire into "the provisions and operation" of the laws in force in the United Kingdom under which the punishment of death may be inflicted, all that can be gathered from the report respecting the latter head is, that the commissioners "forbear to enter into the abstract question of the expediency of abolishing or maintaining capital punishment, on which subject differences of opinion exist among them." The consideration of the abstract question was not committed to them; what was committed to them was the concrete question, whether, having regard to the operation of the existing laws, "any and what alteration is desirable in such laws, or any of them." This included the question of the abolition or maintenance of capital punishment, according to what the commissioners might, upon the evidence to be received, conclude to be the effect of that punishment in protecting society, as it is constituted in the United Kingdom, from the crimes for which death is here inflicted. If differences of opinion have prevented the commissioners from agreeing to any report on this subject, separate reports even would have been better than this attempt to veil the impracticability or inefficiency of the commission as a body, by treating as abstract that which is really of vital practical moment.

Regarding the entire investigation which it was thus the duty of the commissioners to make, the report is confined to that half which refers to the provisions of the existing laws. Here, again, the report, in a perfunctory manner, is thrown off in a single paragraph of a few lines, telling the public that the crimes "now punishable with death in the United Kingdom are treason and murder." Was it required that distinguished noblemen, members of Parliament, and lawyers should be nominated under the Queen's hand to declare what might be learnt from any passer-by? "We say *practically*," continues the report, "because in Scotland there remain many other offences which are still, in point of law, liable to be so punished." And the commissioners "strongly recommend" that "all such obsolete laws" be repealed. It is too much, we are sorry to say, the practice of commissioners who shirk the burden of the question really proposed to them, to make a show of strength in a vigorous piece of advice to abolish something which has already abolished itself. The curious, however, will have the advantage of being able to see these relics of Scotch criminal law in an appendix.

Having forbore to enter into the "abstract question" by reason of the differences of opinion, and imparted the valuable and recondite knowledge about the punishment of treason and murder, the report suggests the alteration which it deems desirable in addition to the repeal of obsolete Scotch law. As to treason, the Treason Felony Act (11 & 12 Vict. c. 12), without abrogating the ancient law, introduced one more merciful. The maximum punishment under that law is penal servitude for life, which seems to the commissioners sufficiently severe in cases of constructive treason, unaccompanied by overt acts of rebellion, assassination, or other violence. For treason of the latter character, they are of opinion that the extreme penalty must remain.

The commissioners then arrive at the consideration of the crime of murder, and its punishment. In order to avoid the severity of the law existing for the legal

imputation of malice—or, as it is commonly called, constructive malice—as distinguished from what the commissioners term "express," but which would be better termed "actual," malice, the report proposes to follow the example of the United States,* and divide the crime of murder into two degrees. This plan of classifying murder they think better than an alteration of the definition itself of murder, namely, unlawfully killing with malice aforethought. The plan involves, they argue, no disturbance of the present distinction between murder and manslaughter, and does not make it necessary to remodel the statutes relating to attempt to murder, nor interfere with the Extradition Acts, with regard to that crime. The report therefore recommends:—

"1. That the punishment of death be retained for all murders deliberately committed with express malice aforethought, such malice to be found as a fact by the jury.

"2. That the punishment of death be also retained for all murders committed in, or with a view to, the perpetration or escape after the perpetration, or attempt at perpetration, of any of the following felonies:—murder, arson, rape, burglary, robbery, or piracy.

"3. That for all other cases of murder the punishment be penal servitude for life, or for any period not less than seven years, at the discretion of the Court."

In this manner the commissioners seek to make a legal separation between murder with actual malice, and murder with constructive malice; leaving both legally murder as distinguished from manslaughter, or killing without malice aforethought. "It is established," remarks the report, "that no provocation by words, looks, or gestures, however contemptuous and insulting, nor by any trespass merely against lands or goods, is sufficient to free the party killing from the guilt of murder, if he kills with a deadly weapon, or in any manner showing an intention to kill, or do grievous bodily harm." Such an offence would, under the third of the commissioners' recommendations, be not punishable with death, but by penal servitude for not less than seven years. But this change would be technical rather than practical, for no man does now suffer death for such an offence of killing where there is no ground for charging actual malice, inasmuch as the jury would find a verdict, not of murder but of manslaughter; or if they were overborne by the authority of the bench, and so driven to find the prisoner guilty of murder, this would be so done as practically to insure a commutation of sentence at the hands of the Crown. If the minimum of punishment were the proposed seven years, a jury would still, in cases of the grossest provocation, depriving a person of self-control, and ending in an intention on his part to kill, prefer a verdict of manslaughter to one of murder in the second degree, with a view to reduce the punishment to imprisonment. An inconvenient result of retaining the same legal name for offences naturally different appears on the very face of the report. While a man goaded to fury and killing his enemy is to be guilty of secondary murder only, punishable with penal servitude, he is, according to the second recommendation, to be guilty of primary murder, punishable with death, if he kills a third person, who interposes. For murder is to be still punishable with death if it be committed in, or with a view to, the perpetration of "murder," that is, murder of either degree. In truth, interference by a third person in a moment of phrenzy oftentimes turns the deadly weapon on him. But it is still the same phrenzy only. What would Virginius, in the market-place, have done if a lictor had seen the knife and tried to wrest it from his hand?

The frequent failures of justice in case of infanticide, owing, as alleged by the report, to the difficulties of proof that the child was "completely born alive," have, the commissioners say, engaged their serious attention.

* This distinction is abolished by the new penal code of New York.—Ed. S. J.

They have arrived at the opinion that "an Act shall be passed making it an offence, punishable with penal servitude or imprisonment, at the discretion of the Court, unlawfully or maliciously to inflict grievous bodily harm or serious injury upon a child during its birth, or within seven days afterwards, in case such child has subsequently died." But how in the world can the child have subsequently died unless it were "completely born alive?" The difficulty of proof, therefore, will remain, even if this ingenious suggestion be adopted.

That trifling with the most solemn award of the law, that sniff at the prisoner's blood, which used to exist and be called "directing sentence of death to be recorded," the commissioners propose should be restored. They "think the change desirable."

The balance of the many and weighty arguments which may be brought forward for and against hanging within the prison walls, before a selected assembly, instead of on a scaffold, in the face of the people, and which were touched on in two of the articles before referred to, has been formed, if at all, in the breast of the commission, for in the report there is no weighing of any reasons, on one side or the other, of this question. "The witnesses whom we have examined," say the commissioners, "are, with very few exceptions, in favour of the abolition of the present system of public executions, and it seems impossible to resist such a weight of authority; we therefore recommend that an Act be passed putting an end to public executions, and directing that sentence of death shall be carried out within the precincts of the prison, under such regulations as may be considered necessary to prevent abuse, and satisfy the public that the law has been complied with." But the public which requires to be satisfied that the man—the right man—has been put to death in due form of law, and the public which requires to be impressed by seeing the sudden change of a man like themselves into a corpse by the hands of the servant of the law, are very different publics. To the one public the execution of the law is a belief in the vindication of the right of personal safety and the maintenance of civilized society; to the other public it is a sense of stone walls, hard unpaid labour, low diet, loss of animal pleasures, and the rope round the throat. We should like to have been informed what the proposed Act is intended to do to satisfy this public; or, in other words, what substitute is proposed to be offered to it by the Legislature for the present visible assertion of the extreme reach of criminal justice. No less should we like to have seen well discussed whether more men felt the ignominy of a public death at the gallows bitter, than took pride in the notoriety of being the public mark of a short period, from apprehension by a detective, to burial under the gaoi-flags. By all means let evidence have its due weight. But when commissioners are appointed to inquire and report their opinion, they are expected to do something more than report the opinions of others. All the witnesses that the committee examined could not have amounted to a hundredth part of the persons in the United Kingdom who have reflected on the subject of public hanging. The examination of those who gave evidence ought to have been regarded as only furnishing materials for a judgment by the commissioners. This part of the report, therefore, will not carry with it the weight due to the reputation of the gentlemen whose signatures it bears.

Criminal appeal, and the mode in which the Crown is advised to exercise the prerogative of mercy by the Home Secretary, are "matters not confined to capital crimes only, but pervade the whole administration of the criminal law;" therefore the commissioners have thought them too general and comprehensive for the terms of their commission, and, with grave dutifulness, recommend these subjects to her Majesty for further investigation. Here, again, the commissioners have balked the public, which considers that the question of an irreversible doom is greatly influenced by the

degree in which the sentence can be purged of human fallibility.

On the whole, then, the world is not much the wiser for this report. Things of the highest importance to the law of capital punishment are passed over because the commissioners disagree among themselves, or because the things themselves disagree with their ideas of the terms used in their appointment. The information conveyed, where it has any practical application, is of no value. On one change proposed by them they have no opinion of their own. The other changes proposed are such as the administration of the law has already effected in its own course. It may be as well to confirm the latter changes by Legislation—except, by the way, the change which would make proof of a child's death necessary to save proof of its having been born alive. The report is a sorry production for so promising a commission. The failure is accountable only on the supposition that the members were glad to get rid of a difficult and disagreeable subject, of little political significance, in any way that they could before Christmas, with more or less decency short of returning the commission to the Home Office avowedly unexecuted.

EQUITY.

RELIGIOUS EDUCATION OF INFANT WARDS OF COURT.

Re Newbery, v. C.S., 14 W. R. 173.

The action of the Court of Chancery in the matter of infants, their property, custody, and education, is, perhaps, in its purity, more completely satisfactory than any other branch of its equitable jurisdiction. But so far as religion is concerned, it is essentially important that the exercise of this jurisdiction should be based upon the strictest impartiality towards every religious denomination. We do not, of course, include in this term any body of persons who, under the name of religion, inculcate doctrines subversive of our social economy, or opposed to the ordinary dictates of morality, but refer only to those who profess doctrines of an inoffensive character. Theoretically, nothing is further from the root of the jurisdiction of the Court of Chancery in directing the religious education of infant wards of court, than the idea that there exists a necessity of bringing them up as members of the Church of England. Every one has heard of the remarkable dictum of Lord Romilly, M.R., in the case of *Austin v. Austin*, 13 W. R. 332, more valuable, perhaps, as an exposition of the practice of the Court, than as a theological statement of the grounds of that practice, that "the Court holds that the infants hope of eternal salvation depends, not on the particular faith which the child professes, but on the manner in which the child may fulfil his duty here on earth." In practice, however, the Court occasionally indulges in a less elevated flight; and, certainly, in the principal case the learned judge displayed a leaning in the direction of bringing up an infant in the Established Church, in the absence of strong grounds for doing anything else, and of throwing upon the parties who suggest a different course of education, the entire *onus probandi*. We do not mean to suggest that the decision of the Vice-Chancellor Stuart, in the principal case, was substantially wrong. Upon the merits, it probably worked a rough sort of justice. But the manner in which the question was dealt with was, in our opinion, certainly unsatisfactory, and appears to be quite inconsistent with the well-known and carefully considered case of *Stourton v. Stourton*, 8 D. M. G. 760.

In the principal case the material facts were simply these:—A clergyman of the Church of England died, leaving two infant children, one about twelve and the other about fourteen years old, of whom he appointed their mother and a friend, also a clergyman of the Church of England, guardians. The mother joined the body of christians known as "Plymouth Brethren," and, as was natural, was endeavouring to instill the peculiar doctrines

of this body into the minds of the children. We do not know, nor is it material, what those peculiar doctrines may be; suffice it that this denomination is one of the numerous forms of Protestantism which prevail in this country, and that its members have never, as such, been charged with communism, indecency, or immorality. The other guardian, however, not unreasonably, took alarm at these proceedings, and invoked the assistance of the Court of Chancery. The Vice-Chancellor, upon the broad ground that children should, as a general rule, be brought up in the faith which their father professed before them, ordered the children to be educated as members of the Established Church, and with that, we suppose, no reasonable fault is to be found; but the same cannot exactly be said of the course adopted by the Court in arriving at a conclusion, when we find that the request of the infant's counsel, that the judge would consult the wishes of the children, was refused, and that the Court had before it literally no means of judging whether any, and if any, what, religious prepossession existed in their minds.

Vice-Chancellor Stuart remarked in his judgment that he considered *Stourton v. Stourton* inapplicable to this case. Upon the merits that may have been so; but we must confess that, so far as respects the course to be adopted in dealing with so exceedingly delicate a question, we fail to perceive any distinction at all between the cases.

We had thought that *Stourton v. Stourton* had settled the rules by which the Court is to be guided in such matters. Certainly, if we may be allowed to pay a respectful tribute to the learned judges who decided that case, the manner in which the question at issue was disposed of was so admirable as to render it a precedent of the highest value.

We will quote the words of Lord Justice Turner:—He says (8 D. M. G. 771): "When infants become wards of the Court, the first and paramount duty of the Court, unquestionably, is to consult the well-being of the infants; and, in discharging that duty, the Court recognises no religious distinctions." Nothing could be more explicit. And the Lord Justice proceeds to explain how the Court looks upon the religion of the father as *prima facie* that in which the child should be educated, making an express exception of cases where, before the discretion of the Court is exercised, a decided religious impression has already been formed in the mind of the infant. "It was with this view," the Lord Justice continues, "and not, as suggested at the bar, with a view to being guided by any wish that the child might express, we deemed it right to see the infant in this case before determining the question before us. I think it the duty of the Court, in cases of this description, to pursue that course." And, in accordance with this view, the Lords Justices *did* grant a private interview to the infant, for the purpose of discovering, in the only satisfactory manner possible, whether or not a religious impression already existed in its mind. Probably, if the learned judge who decided the principal case had pursued the course so forcibly recommended by the Court of Appeal, he would have found the more reason for coming to the conclusion at which he actually arrived; but that conclusion would have been based upon some substantial grounds, which can scarcely be said of it in the actual state of the facts. His Honour might reasonably have repudiated (as did the Lord Justice) the idea that he was to be guided by the wishes of the infants themselves, but we cannot understand why the obviously sensible and satisfactory course which has been pronounced, upon so high authority, to be that which it is the duty of the Court to take, was in this instance avoided.

One word more:—In the newspaper reports, which of course contain what may be called the "gossip" of the case, upon principle omitted in a "report" properly so called, we read certain well-merited strictures of the judge on the conduct, in one respect, of the parties in *Re Newbery*. It appears that one of the infants, a boy of

fourteen, was actually made to swear to an affidavit as to his religious feelings—an affidavit setting forth his views upon the most solemn and serious points of faith—and prepared, of course, for the purpose of backing up his mother's contention. The Vice-Chancellor might well deplore so outrageous a proceeding. His Honour might well observe that in such a case the infants themselves should be kept most carefully out of the contest, except under the direction of the Court. The obvious answer, however, being that, under these circumstances, the Court should feel all the more bound to take some proper means for acquiring accurate information as to the state of the infant's mind for itself.

SHIPPING LAW.

INSURANCE—CARGO STOWED ON DECK.

Wilson v. Rankin, Ex.Ch., 14 W. R. 198; Q. B., 13 W. R. 404.

It is exceedingly doubtful whether the numerous bureaucratic regulations contained in our merchant shipping code are of any use whatever, except in indicating the paternal solicitude of our Legislature. For instance, the Customs Consolidation Act (16 & 17 Vict. c. 107, s. 170) provides that no clearing officer shall permit a vessel to clear out from any port in the North American colonies, between the 1st of September and the 1st of May, with cargo on deck. This regulation is doubtless intended to secure the vessels, as far as may be, from the dangers of winter voyages across the Atlantic; and so far as it is a provision for the saving of life, we have nothing to say against it: the "lives of the lieges" are proper subjects for the protection of the law. But in its relation to contracts of assurance it bears a very different aspect; but for this regulation, which is, as we know, constantly evaded or neglected, particularly by "lumber ships," underwriters and assured could make their own terms respecting such stowage of cargo. There appears to be no greater reason why the Legislature should seek to make maritime contracts for the parties than any others; while the result of legislative interference is that traders and underwriters neglect to shape their contracts with sufficient accuracy, relying upon the protection of the law to supplement the terms of the contract. Much litigation is, consequently, the result.

It is settled law that when an agent acts in violation of any legal restriction the principal is not bound by the agent's illegal acts. And in the absence of proof to the contrary, the employer's ignorance of the illegal act is to be presumed. *Earle v. Bancroft*, 8 East, 133, is an express authority to this effect, and is otherwise connected in principle with the decision in the principal case. In that case the master of a ship having instructions to make the best purchases with despatch, had gone into an enemy's port to complete his cargo, in consequence whereof the ship was seized and confiscated. This act of the master, though within the scope of his authority, and though done in the interest of his owners, was held to be barratrous, and the owner, on a policy in which the barratry of the master was insured against, was held entitled to recover. This case was, in the principal case, considered by the Court below to establish that the knowledge of the master was not the knowledge of the owner, for, if it were, then he could not recover on account of his own barratrous act. It is, however, to be observed in that case that as the barratry of the master was expressly insured against, the parties to the contract must have assumed that the owner might be innocent of the master's wrongful act, for, unless he could recover on a loss thence arising, the stipulation would be nugatory. The decision, therefore, instead of establishing any distinct marine rule, is merely in accordance with the general doctrine which exonerates a principal from acts by which he has expressly stipulated that he should not be bound.

However, in a case where the policy contained no stipulation respecting barratry, it was, nevertheless, held that the loss occasioned by the master's wrongful act was to fall, not on the owner, but on the underwriters. This point was decided in *Cunard v. Hyde, E. B. & E. 670*, in which it was held that where a master sails without the certificate required by 16 & 17 Vict. c. 10, s. 170, or loads in the mode prohibited, an insurance on the cargo is not avoided, unless the assured be, at the time of effecting the insurance, aware of the act of the master. The master, although the agent of the owner, is not the agent of the shipper, unless he is also supercargo. It was, therefore, open to contention, and was argued in the principal case that, notwithstanding the decision in *Cunard v. Hyde*, a policy on freight would be avoided under like circumstances with those in that case, on the ground that the master's act is that of the owner of the freight. The Court of Exchequer Chamber, however, unanimously held (affirming the judgment of the Court of Queen's Bench) that the master was the owner's agent only for lawful purposes, and that his illegal acts consequently do not bind the owner without the express direction of the latter. The decision appears to bear hardly upon underwriters; it, however, merely extends the application of the rule in *Cunard v. Hyde* to owners as well as shippers. Underwriters must, therefore, take care to have their policies accurately framed so as to meet this state of the law, and not rely upon the illusory protection held out to them by the 16 & 17 Vict. c. 107.

We think the principle adopted in this case objectionable on two grounds. First, the owner only, and not the underwriter, has power to prevent the master's illegal act; and if it were generally known that the consequences of such acts would fall on the owner, the proper steps would soon be taken. Secondly, the lading of the vessel in the prohibited manner increases the owner's chance of gain, the underwriter's chance of loss, and *qui sentit commodum sentire debet et onus*. But, unfortunately, in this as in many other instances, the view taken by courts of law is not that applicable to mercantile matters on any principle of general equity, but a rule derived from some analogy to some old legal maxim referring to affairs of a totally different description; just as the same courts have so pertinaciously applied the ordinary law of contracts to those agreements which the rapacity of railway companies forces from the helplessness of the public, till the Legislature has been obliged again and again to interfere to obviate, or at least palliate, the injustice perpetrated by the exponents of the law.

REVIEWS.

The Practice of the High Court of Chancery, with some observations on the pleadings in that Court. By the late EDMUND ROBERT DANIELL, Barrister-at-law. Fourth Edition, with considerable alterations and additions, by LEONARD FIELD and EDWARD CLENNELL DUNN, Barristers-at-law, with the assistance of JOHN BIDDLE, of the Master of the Rolls' Chambers. London: Stevens, Sons, & Haynes. 1865.

An Elementary View of the Proceedings in a Suit in Equity, with an Appendix of Forms. By SYLVESTER JOSEPH HUNTER, Barrister-at-law. Third Edition, by GEORGE WOODFORD LAWRENCE, Barrister-at-law. London: Butterworths. 1865.

The history of the rules of chancery procedure exhibits a striking parallel to the history of language as described by the learned author of the "Varronianus." Commencing with a few simple rules, by degrees there accumulated around these such a map of technicality that at every step the practitioner was

Incedens per ignes,
Suppositos cineri doloso.

Then came the reaction, and the system became broken up into a congeries of fragmentary disconnected orders, further disintegrated by piecemeal legislation, the results of which have now again been partially reconstructed by the

Amendment Acts and Consolidated Orders. It seems doubtful, however, whether, in our haste to obliterate the numerous technical rules of the old system, we have not fallen into the opposite vice of defacing the necessary outline of every system of procedure, so as to earn for ourselves the Horatian verdict—*Dum vitant stulti vitia, in contraria currunt*.

The system of equity pleading in this country, so far as it is a science at all, has been so treated of in the elaborate and exhaustive treatise of Lord Redesdale, that but little remains for his successors to do but to chronicle the changes of practice which have rendered so great a portion of that work obsolete.

This has been attempted by numerous writers in diverse fashions. Ayckbourn, Goldsmith, Osborne Morgan, Sydney Smith, have expounded the practice of our equity courts, each in his own manner. Some of these authors have followed the plan of philosophical treatises in vogue in the times of Sugden and Maddox, others the "text and note" system, which seems to be such a favourite now-a-days; but all have added to the stores of our information on an essential, but by no means enticing, branch of study.

Perhaps, however, of the phalanx of works on chancery practice which have issued from the press since the last great changes, the two whose names stand at the head of this notice occupy the extreme wings. Mr. Daniell's work, which, when first published, aimed at being an exhaustive treatise on the subject, has certainly not become more elementary in the hands of its present editors, who have enriched it with copious references to the later cases, and have intertwined with its text due notice of all the material legislative and judicial alterations. The editors tell us that their object has been to alter as little as possible the original text, but at the same time to make their book a correct text-book of the existing practice, and, though they admit that it is in some respects faulty, they have decided upon preserving Mr. Daniell's arrangement intact. Only the first volume of this edition is before us, but we are promised, not merely a second volume after the manner of Daniell, but an appendix of forms and precedents. We have some doubts as to the utility of these last; the forms of proceedings are now regulated so completely by the general orders, and the substance is so simply a question of common sense, that the learner can get but little good from private precedents, and the practitioner never dreams of looking at them. But if we are to judge of the execution of the coming volumes from the specimen before us, we can safely say that it will be the most complete work on the subject which has yet appeared. The great labour which has been bestowed upon it may be judged of by the fact that although much has been omitted that is obsolete, and something reduced that was redundant, the part of the work which treats of "the bill" which, in the third edition (by far the most prolix of the whole), numbered but 416 pages, in this one reaches 490 pages, including an entirely new chapter on the subject of interrogatories.

Mr. Hunter's work, on the other hand, does not profess to be more than an elementary view of the proceedings in a suit in equity, and does not put itself into competition with the more pretentious books upon the subject. To these it bears the same sort of relation that Kerr's or Smith's Common Law Manual do as to the treatise of Mr. Justice Lush. This manual appears to be chiefly adapted to students or others who wish to learn our system of equity pleading by first mastering the elements of each step in a suit. Its value, accordingly, is recognised in the examination course for students; nor do we think that a better treatise could be selected for disciplining the mind of the student, and imbuing way for the principles of the art, and thus preparing the it with the culture of the science, of pleading.

This treatise consists of three parts—the first explains "the regular course of a suit up to decree;" the second expounds "the course of a suit after decree, and incidental proceedings;" and the third relates to "proceedings without bill." Mr. Hunter's manual thus comprises an account not only of the rules of pleading but also of those of practice, and thus concentrates, as in a focus, the essence both of Mitford's and Daniell's works.

The first chapter treats of bills, a form of which is given in the appendix. Mr. Hunter considers a bill as divisible into four parts—"the title, the address, the statement, and the prayer." The statement appears to us to be the part of Hamlet, and the other three parts no more integral elements of the bill than its date is. If he had dissected "the state-

ment," therefore, he would have done more service to the philosophy of his subject than by the bare enumeration of mere matters of routine form.

Chapter two relates to the service of the bill, the appearance of the defendant, and interrogatories for the examination of the defendant. A specimen of the latter is given in the appendix, and the whole practice relating to this item is exhaustively treated of by Mr. Hunter in a couple of pages.

Nothing can be more concise, and at the same time more satisfactory, than Mr. Hunter's exposition of the various steps and points to be attended to by the practitioner. *Difficile est proprie communia dicere.* It is, indeed, hard to call sweets from dry and almost pedantic treatises, yet the author has furnished us with a truly pleasing condensation of all the most valuable suggestions contained in the works of those who preceded him in this path, and at the same time interspersed his compilations with every suggestion necessary to impart unity and completeness to the whole.

The author, in the third chapter, enters on "the defence" wherein he gives a succinct, but not an incomplete, disquisition on demurrers, pleas, answers, disclaimers, and interrogatories for the examination of the plaintiff.

Chapter four relates to "the plaintiffs proceedings after answer." We here have the modern practice concisely and well stated with respect to "hearing on bill and answer," "motion for a decree," and "replication."

Part two comprises an account of the proceedings under the decree, and also contains a chapter on supplement and revivor, in which the new practice is clearly stated.

In part three Mr. Hunter describes the practice relating to "proceedings without bill," as also special cases, petitions for opinion of the Court, settlements, trustees, administration, and miscellaneous summary jurisdiction, under which we have a very good account of the practice under Lord Westbury's Land Acts.

The appendix contains a copious supply of forms. The text is also well illustrated by cases throughout.

We do not suppose that, for the everyday purposes of the practitioner, either of these works will supersede Mr. Osborne Morgan's "Acts and Orders," which, within their own sphere, are probably destined to remain unrivalled; but for the purposes of the beginner, to whom Mr. Morgan's book would be unintelligible, Mr. Hunter's will prove invaluable, while the more advanced student will find, in the new edition of Daniell, a means of acquiring a comprehensive knowledge of his subject as a whole, which Mr. Hunter's work is too elementary, Mr. Morgan's too fragmentary and unreadable, to supply.

The Lawyer's Companion, Diary, and London and Provincial Law Directory for 1866: containing the Companies Act, 1862; with an introduction, analysis, and index, &c.; with a scale of costs and charges to be paid to counsel and attorneys in the County Courts, under the provisions of the Statute 28 & 29 Vict. c. 29. Edited by FREDERICK LAWRENCE, Esq., Barrister-at-Law. London: Stevens & Sons. 1866.

The twentieth of the annual issue of this unpretentious diary is an instance of the *multum in parvo* with a vengeance. We expected to find in it merely a law list, a common-place almanack, and blank tables for memoranda, illustrated perhaps by jottings on the rising of the moon at quarter-days. Instead of statistics of so unambitious a nature, however, we have a reprint of the "Companies Act, 1862," preceded by an introduction and analysis, and accompanied by notes of decided cases, and a copious index. Nor is this all. The next chapter contains copious notes of recent cases affecting attorneys and solicitors. Amongst the points affecting the profession thus illustrated, are comprised "articles of clerkship," "change of name," "partnership arrangements," "attorney and agent," "retainer and powers," "privileged communications," "costs," &c.

Next follow chancery, common law, and county court time-tables. Then we have an alphabetical index to the practical statutes, and a special table of the principal recent statutes affecting real estate. A very useful analysis follows of the Statutes of Distribution.

An abstract of the most important Acts of Parliament passed last session is also given, as also tables of discounts, commission, and of the assessed taxes, together with a complete list of stamp duties. The appendix contains the county court orders and forms in equity, under the 28 & 29 Vict. c. 99; and the diary concludes with the Law List.

From the account we have given of the contents of this diary, it is plain that it is a most useful appendage to the solicitor's books of reference, in addition to its comprising the ordinary components of a diary.

COURTS.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner WINSLOW.)

Jan. 4. —*In re Hopkins.*—Application to remove proceedings.—The bankrupt was a merchant, carrying on business at Liverpool and other places. A trader debtor summons had been taken out in this court, whereupon the bankrupt filed a petition and obtained adjudication against himself in Liverpool; and on the same day a petition for adjudication was presented by a creditor in this court. Application was now made to his Honour, in the exercise of his original jurisdiction, to make an order removing the proceedings into this court, on the usual ground of the majority of the creditors residing within the district, and affidavits in support of the motion had been filed. Counter affidavits had also been filed, but not in time for the present sitting, and his Honour held that they could not be used, and the application was ordered to stand over.

Mr. Rushbrook, on behalf of the London creditors, then applied for an order to stay proceedings under the Liverpool adjudication, the choice of assignees being fixed for to-morrow.

Mr. E. Reed opposed the application.

His Honour was of opinion that under the 88th section of the act of 1861 he had no power to make such an order, or to interfere in any way with the bankruptcy, unless he had previously ordered the proceedings to be transferred.

SHERIFF'S COURT.

(Before Mr. Commissioner KERR.)

Dec. 28. —*Barrett v. The Glamorgan and Cardigan Railway Company—Railway Coupons and the Chancellor of the Exchequer.*—This was an action to recover a sum of money due upon some coupons issued by the defendants, the circumstances being of considerable interest to holders of railway stock.

Mr. Pearce, as counsel for the plaintiff, stated that the defendants had issued certain bonds, to which were attached coupons payable at a bank in the City. He (the learned counsel) would remark that the company was not represented to-day, and he believed that it was being wound up. Plaintiff was not the original holder of the coupons which had been assigned to him, but his Honour would see that they were payable upon application to the bearer.

His Honour, upon looking at the bond, said there was considerable difficulty in the way of plaintiff's recovering.

Mr. Pearce handed up a report of a case decided by Mr. Gibbons (the deputy-judge), in which that gentleman dealt with the coupon as an I O U.

His Honour said that in that trial no one appeared for the company, and though no one appeared now, the Court was bound to look at the nature of the document produced. It bore no stamp.

Mr. Pearce.—None of the railway companies stamp their coupons.

His Honour thought that the Chancellor of the Exchequer might very possibly direct his attention to it.

Mr. Pearce called a witness, who did not advance his case, and

His Honour granted an adjournment to enable the plaintiff to produce other evidence.

Wilson v. Jackson.—*Loan Societies and Promissory Notes signed in Public-Houses.*—This was an action to recover a sum of money due upon a promissory note, and plaintiff deposed that he saw defendant sign the document.

His Honour, after referring to the summons, found that the plaintiff lived in Lambeth, and the defendant in White-chapel. He could not understand how it was that process had been issued from this court.

Plaintiff said, that the cause of action arose in the City.

His Honour was of opinion that the plaintiff should have sued defendant in the district wherein he resided.

Plaintiff.—But the note was signed in the City.

HIS HONOUR.—Where was the note signed; was it in a public-house.

Plaintiff.—Yes.

HIS HONOUR.—That will not be sufficient to give this court jurisdiction.

Plaintiff.—I was under the impression that if the note were signed in the City this Court would have jurisdiction in the case, and your Honour will remember that the cause of action really did arise here and not in the district in which either I or defendant reside.

HIS HONOUR considered that it was never intended this Court should exercise its power in such a case as the present. He was clearly of opinion that the mere making of a note in a public-house, when both parties resided out of the jurisdiction of this Court, was not sufficient to entitle plaintiff to recover in the City. Plaintiff must seek his remedy in his own district, or in that wherein defendant resided; and in the present proceedings he must be nonsuited.

Plaintiff nonsuited.

COURT OF ALDERMEN.

On Monday, 1st. inst., a special court was held at Guild-hall; the Lord Mayor presiding.

A report was presented from the general purposes committee of the court, which stated that after having carefully considered the question they had come to the conclusion that it was desirable that a Deputy-Recorder should be appointed during the absence of Mr. Gurney, and, the Recorder having nominated the Common Serjeant to act as such deputy, they approved of such nomination, and recommended that the Court should appoint the Common Serjeant to act as Deputy-Recorder accordingly. With a view to prevent any possible delay in the business of the Central Criminal Court they stated that they had requested the Lord Mayor to communicate with the Lord Chief Justice of the Court of Queen's Bench, in order that some arrangements might be made with her Majesty's judges by which they might give some additional attendance at the sessions of the Central Criminal Court, during the temporary absence of the Recorder, as on a former occasion in 1840.

With respect to the judicial duties at the Mayor's Court they said the Recorder had informed the committee that he had made the requisite arrangements under the provisions of the Mayor's Court Act.

Mr. Alderman Wilson moved the adoption of the report of the committee, and that Mr. Chambers, the Common Serjeant, be appointed Deputy-Recorder during the pleasure of the Court.

The motion was carried unanimously, after being seconded by Mr. Alderman Sidney, who said that he was gratified that the appointment should have fallen on a gentleman so well able to discharge the duties incident to the office.

The Common Serjeant expressed his acknowledgments, not only for the honour to himself implied in the resolution, but for the courteous manner in which it had been conferred.

BACUP COUNTY COURT.

(Before T. S. T. GREENE, Esq.)

Nov. 14.—*Penny v. Rossendale Union Gas Company.*—Mr. Eastwood, of Todmorden, appeared for the plaintiff; and Mr. Watson, of Bury, for the defendants.

This was an action brought by an auctioneer and house-agent, carrying on business in Union-street, Bacup, against the Rossendale Union Gas Company, to recover the sum of £2 for damages arising from that company illegally cutting off his gas.

Mr. Eastwood, in stating the case, said the plaintiff, Mr. R. H. Penny, was formerly in partnership with his brother, Mr. E. C. Penny, who on leaving the house, which the plaintiff now occupied, owed a sum of 7s. 6d. to the defendants for arrears of gas-rental. On taking possession of the house in September, 1864, the defendants appeared to have considered the plaintiff as bound to pay those arrears, and in every account subsequently delivered they charged this item against him. At the end of the first quarter the plaintiff complained to them on the subject, and denied his liability. Ultimately the defendants cut off the supply of gas to the house on account of non-payment of these arrears. He (Mr. Eastwood) denied their right to do so under the powers of their own private Act or of the Gas Clauses Act. He contended that the company were bound to supply all persons in their district who paid for the gas actually consumed by them, and that it was unreasonable to suppose they were warranted in cutting off the supply whenever they chose.

Prior to the time of his client taking the house in Union-street, he had not been a householder or a ratepayer, and was not acquainted with the rules of the company. One of those rules, which was printed on the company's quarterly accounts was to this effect—"Any person removing from or to premises supplied with gas by this company without giving immediate notice to this office of such removal, is rendered liable for any gas consumed by the next or previous tenant during the then current quarter."

HIS HONOUR.—If that is the case, and you did not give them notice, you will have to pay.

Mr. Eastwood contended that the company had notice at the time their servant took the state of the meter when his client entered the house.

Mr. Watson, for the defendants, contended that no case had been made out against them; that they were not bound to supply the plaintiff with gas, and had a right to discontinue that supply, the arrears not being paid, especially as they had reason to believe that this was the place of business of the co-partnership.

HIS HONOUR inquired, if such was the case, why the company continued to supply the plaintiff with gas.

Mr. Watson said the 7s. 6d. was not due at the time the summons for the £2 was taken out against Mr. E. C. Penny, but had become due before the dissolution of the partnership, and that Mr. R. H. Penny had engaged to pay the debts of the firm. He should be able to prove that the two brothers conducted their business at the place in question, and that the plaintiff was a consumer of gas along with his brother.

Dec. 12.—**HIS HONOUR**, in giving judgment, said this was a case in which Richard Henry Penny sought to recover damages from the defendants for cutting off his supply of gas. The case was defended on three different grounds; first, that the plaintiff was a joint contributor, and that this was a partnership debt; secondly, that the plaintiff, on entering the premises, did not give notice to the defendants; and thirdly, that the company were not bound to furnish a supply of gas. On all these points his opinion was in favour of the plaintiff. He thought the plaintiff had never been treated as a partner, that the company had full notice given to them as to the commencement of the plaintiff's tenancy, that they also had ample opportunity of getting the debt from the plaintiff's brother, and that they were bound to furnish a supply of gas. They had no right to deprive a tenant of such supply because of a disputed debt, which he had expressed his willingness to pay should a Court of law decide that he was liable. The only question he had now to decide was as to the damages, and he should give a verdict to the plaintiff for 10s.

Mr. Eastwood applied for costs, which were allowed.

GENERAL CORRESPONDENCE.

ABUSIVE LANGUAGE—REMEDY FOR.

In the *Times* of 30th ult. there is a report of a charge preferred at the Worship-street Police-court for "using abusive and insulting words with intent to provoke a breach of the peace."

I shall be glad to be referred to the statute under which such a charge can be brought before a magistrate, as no such offence is mentioned in "Oke's Magisterial Synopsis," and the clerks to some magistrates, I know, hold that, unless the complainant can swear that words were used *which cause him to go in bodily fear*, there is no remedy. M.

Jan. 2.

OFFICE SOLICITORS.

Sir,—Do you not consider the subjoined advertisement from the *Daily Telegraph* of this day deserving of your attention, as "a little too bad."

"Compositious or arrangements with creditors. — The 'accountancy' department of Thompson's offices 'undertake' all matters requiring skill and care at a fixed price, avoiding legal costs. The 'Office Solicitor' conducts all bankruptcy matters upon terms more than usually advantageous.—W. A. Thompson, Jun., 'proprietor,' 23, Fenchurch-street, E.C."

To the mental vision of the respectable solicitor, the thing seems absurd enough, especially if he be *thriving* as well as respectable. Absurd though as it may appear, these dabbles in law, with their "Office Solicitors," get business

I can tell you of a thoroughly disgraceful scamp who, by means of one of his own kidney on the rolls, an "Office Solicitor," I suppose, gets plenty of bankruptcy business. By such people, no doubt, bankruptcy is encouraged; and when this branch of the law is next "amended," the doings of the fraternity of "proprietors," and "Office Solicitors," ought to be put an end to. I am credibly informed, and I believe, that the fellow to whom I have alluded above paid weekly wages to a low-class dissipated solicitor for the use of his qualification. G.

Dec. 30.

IRELAND.

THE FENIANS.

The sittings of the Special Commission at Cork were brought to a close on Tuesday, with the conviction of John Kenneally, who was sentenced to ten years' penal servitude. The trial of the other Fenian prisoners was adjourned to the spring assizes, and nine of them were admitted to bail.

FOREIGN TRIBUNALS & JURISPRUDENCE.

AMERICA.

SUPREME COURT OF U.S.—PROVIDENCE TOOL COMPANY v. NORRIS.

[From 2 Wallace's S. C. U. S. Rep. p. 45.]

An agreement for compensation for procuring a contract from the Government to furnish supplies is void, as against public policy.

In July, 1861, the Providence Tool Company entered into a contract with the Government, through the Secretary of War, to deliver to the officers of the United States, within certain stated periods, 25,000 muskets, of a specified pattern, at the rate of twenty dollars a musket. This contract was procured through the exertions of one Norris, upon a previous agreement with the company through its managing agent, that in case he obtained a contract of this kind he should receive compensation for his services proportionate to its extent.

Norris himself, it appeared, though not having any imputation on his moral character, was a person who had led a somewhat miscellaneous sort of life, in Europe and America. After various failures he had set himself to work at what he called "concentrating influence at the War Department;" that is to say, to getting letters from politicians and other people, great or large, who might be supposed to have influence with Mr. Cameron, at that time Secretary of War, recommending him and his objects. Among other means, he applied to the Rhode Island Senators, Messrs. Anthony and Simmons, with whom he was acquainted, to go with him to the War Office. Mr. Anthony declined to go, stating that since he had been senator he had been applied to some hundred times in like manner, and had invariably declined; thinking it discreditable to any senator to intermeddle with the business of the departments. "You will certainly not decline to go with me," said Mr. Norris, "and introduce me to the secretary, and to state that the Providence Tool Company is a responsible corporation." "I will give you a note," said Mr. Anthony. "I do not want a note," was the reply; "I want the weight of your presence with me. I want the influence of a senator." "Well," said Mr. Anthony, "go to Simmons." Mr. Simmons, it is requisite to state, had been publicly spoken of as sometimes assisting parties to get contracts—for a "gratification" to himself. By one means and another, Norris got influential introduction to Mr. Secretary Cameron, and obtained the contract—one eminently profitable—the secretary, whom on leaving he warmly thanked, kindly "hoping that he would make a great deal of money out of it."

But a dispute now arose between Norris and the Tool Company, as to the amount of compensation to be paid. Norris insisted that by the agreement with him he was to receive 75,000 dols., the difference between the contract price and seventeen dollars a musket, whilst the corporation, on the other hand, contended that it had only promised "a liberal compensation" in case of success. Negotiations between the parties failed to produce a settlement and Norris brought suit to recover the full amount claimed by him.

On the trial in the circuit court for the Rhode Island district, the counsel of the Tool Company requested the

Court to instruct the jury that a contract like that declared on was against public policy, and void; which instruction the Court refused to give. The jury found for the plaintiff, 18,500 dols., and judgment having been given accordingly, a writ of error was taken to this court.

Mr. Blake, for Norris, defendant in error.—It is not easy to conceive of a more ungracious defence than the one set up below; the only one the party had. Confessedly, the contract was procured through the exertions of Mr. Norris alone. Of course he gave his time, spent his money, invoked the aid of acquaintances, solicited influence, waited about the ante-rooms, and went through such operations as persons seeking contracts at Washington generally go through; operations distasteful in the extreme to any man of independence; impossible, indeed, for such a man to undergo. There is no imputation upon the generally fair character of Mr. Norris, nor any allegation that Mr. Cameron acted corruptly. Having got the contract through Mr. Norris's labours, having made an immense sum by it, the company now turn round, and plead the illegality of their agreements! Is not this base! More than this, is it not a case for the maxim, "*Nemo allegans turpitudinem suam audiatur?*"

There is no case which says that a corporation may not employ an agent to negotiate with the War Department for a contract to manufacture arms; or that, if the agent is openly acting as such, the terms of his compensation may not lawfully be whatever the corporation and himself agree on.

Messrs. Thurston and Payne, *contra*.

Mr. Justice Field delivered the judgment of the Court.—The question is this: Can an agreement for compensation to procure a contract from the Government to furnish its supplies be enforced by the courts? We have no hesitation in answering the question in the negative. All contracts for supplies should be made with those, and with those only, who will execute them most faithfully, and at the least expense to the Government. Considerations as to the most efficient and economical mode of meeting the public wants should alone control, in this respect, the action of every department of the Government. No other consideration can lawfully enter into the transaction, so far as the Government is concerned. Such is the rule of public policy; and whatever tends to introduce any other elements into the transaction is against public policy. That agreements, like the one under consideration, have this tendency is manifest. They tend to introduce personal solicitation and personal influence as elements in the procurement of contracts; and thus directly lead to inefficiency in the public service, and to unnecessary expenditures of the public funds.

The principle which determines the invalidity of the agreement in question has been asserted in a great variety of cases. It has been asserted in cases relating to agreements for compensation to procure legislation. These have been uniformly declared invalid, and the decisions have not turned upon the question; whether improper influences were contemplated or used, but upon the corrupting tendency of the agreements. Legislation should be prompted solely from considerations of the public good, and the best means of advancing it. Whatever tends to divert the attention of legislators from their high duties, to mislead their judgments, or to substitute other motives for their conduct than the advancement of the public interests, must necessarily and directly tend to impair the integrity of our political institutions. Agreements for compensation, contingent upon success, suggest the use of sinister and corrupt means for the accomplishment of the end desired. The law meets the suggestion of evil, and strikes down the contract from its inception.

There is no real difference in principle between agreements to procure favours from legislative bodies, and agreements to procure favours in the shape of contracts from the heads of departments. The introduction of improper elements to control the action of both, is the direct and inevitable result of all such arrangements.

The same principle has also been applied, in numerous instances, to agreements for compensation to procure appointments to public offices. These offices are trusts, held solely for the public good, and should be conferred from considerations of the ability, integrity, fidelity, and fitness for the position of the appointee. No other considerations can properly be regarded by the appointing power. Whatever introduces other elements to control this power must necessarily lower the character of the appointments, to the

great detriment of the public. Agreements for compensation to procure these appointments tend directly and necessarily to their introduction. The law, therefore, from this tendency alone, adjudges them inconsistent with sound morals and public policy.

Other agreements of an analogous character might be mentioned, which the Courts, for the same or similar reasons, refuse to uphold. It is unnecessary to state them particularly; it is sufficient to observe generally that all agreements for pecuniary considerations to control the business operations of the Government, or the regular administration of justice, or the appointments to public offices, or the ordinary course of legislation, are void as against public policy, without reference to the question whether improper means are contemplated or used in their execution. The law looks to the general tendency of such agreements, and it closes the door to temptation by refusing them recognition in any of the courts of the country.

Judgment reversed, and the cause remanded for a new trial.

SCENE IN AN AMERICAN COURT.

The following scene, which is said by the *New York Times* to have occurred, not long ago, in the Washington Circuit Court, reads like a tale of the olden time.

In the course of the judge's charge, Mr. Bradley, one of the counsel, expressed a hope that the Court, Judge Olin, would not present a particular view of the facts to the jury. The judge denied he had interfered with the facts, and said he would not be insulted, and would not suffer Mr. Bradley to state to the Court what the latter knew to be untrue.—Mr. Bradley: If you mean to say I have stated what I know to be untrue, you are a liar and a scoundrel.—The Court ordered the marshal to take Mr. Bradley into custody, and he was removed from the room. Mr. Bradley, with two members of the bar, was in the criminal courtroom a few moments afterwards, when Judge Olin passed through. Mr. Bradley said: "Are you looking for me? Do you intend to send me to jail?"—Judge Olin: Not yet.—Mr. Bradley: If you say to me what you said on the bench—that I stated what I knew to be untrue—I will thrash you.—Judge Olin: You thrash me? Go away. Judge Olin ordered a rule to be served on Mr. Bradley to show cause why he should not be punished for contempt of Court.

A NEGRO JURY.

The Philadelphia correspondent of the *Times* says:—"The first practical operation of the new laws permitting negroes to serve on juries is reported from Missouri. A jury of negroes in the interior of that state last week decided a suit between negroes. It was an assault and battery case, and, wishing to give a novel character to their first appearance, the negro jury found both plaintiff and defendant guilty, and fined them 21dols. each.

A LEGAL QUESTION ARISING OUT OF SLAVERY.

Charleston advises to the 9th ultimo state that a new legal question, growing out of the emancipation of the negroes, had been raised in South Carolina. It is whether debts incurred for slaves purchased before the proclamation took effect are still valid. Many of the people of the South are deeply interested in this matter, being still in arrears on old purchases from the Virginia slave-dealers. The subject had been brought before the State Legislature, which, it was expected, would make provisions for partially discharging the creditors' claims. We heartily trust that they will declare all the debts irrecoverable.

FRANCE.

CURIOUS ACTION.

The Civil Tribunal of the Seine has just given judgment in an action brought to recover the sum of 2,350fr. under the following rather singular circumstances:—A Frenchman named Biez went to Santiago (Chili) in 1854, and settled there as an hotel-keeper. Having succeeded well in his business for some years, he came to the conclusion in 1862 that he had better get married. Remembering that he had left in France two nieces who were now marriageable, one being about nineteen, the other twenty-one, he wrote to them stating his intentions to offer one of them his hand. The elder of them, Mlle. Virginie Lepail, sent to her uncle by the next mail photographic portraits of herself and sister. The uncle chose Mlle. Virginie, and made her an offer of his

hand, which was accepted, and he sent her money amounting to about 2,350fr. for her outfit and travelling expenses. The young lady arrived at Valparaiso in February, 1864, on board the merchant vessel *Pisco*, Captain Lefort. But during the passage Mlle. Virginie and the captain had become enamoured of each other, and when the uncle, on their arrival, became aware of it, he at once gave up his claims and consented to his niece's marriage with Captain Lefort, which was celebrated at the Cathedral of Valparaiso. M. Biez afterwards accompanied his niece and her husband to France, and was present at the celebration of her marriage at Paris. Up to this time not a word had been said by M. Biez about any claim on his niece for the money he had advanced for her outfit and voyage, but he now applied to her and her husband for payment of the sum above mentioned. Mme. Lefort, who had considered the money as a present, refused to pay it, and hence the present suit. The Tribunal, after hearing counsel, decided that as the plaintiff had voluntarily consented to the rupture of his niece's engagement with him by sanctioning her marriage with Lefort, without making any allusion to the repayment of the money he had advanced, that it was now too late for him to put in a claim, and that his demand must therefore be rejected with costs.

NEGIGENCE BY COMMON CARRIERS.

The Civil Tribunal of the Seine has just given judgment in an action brought by a Mme. Desvernois against the General Omnibus Company, to recover damages laid at 100,000fr. for the loss of her husband, who met with his death through the negligence of the servants of the said company. It appeared from the statement of counsel that on the 21st April last M. Desvernois, a professor of languages and literature, got on the top of one of the omnibuses running from the Batignolles to the Jardin des Plantes, in front of the office in the Rue St. Lazare, and that before he had taken his seat, the driver, in obedience to a signal from the conductor, started so suddenly that the unfortunate gentleman, losing his balance, fell head foremost on the pavement, and was so much injured that he died five days afterwards, leaving a widow and three children, a son eighteen years of age, and two daughters, the younger only in her fourth year. Evidence was given to show that the deceased, who was only forty-seven years of age, obtained a good income by his profession, and that, owing to his death, the family was left almost destitute. The counsel for the company argued that if the deceased had not taken his seat before the omnibus started, he alone was to blame, as after he got up there had been time for four ladies to take their places inside, and consequently that the company could not be held responsible. The Tribunal, however, decided that the company was responsible, as Art. 30 of the Police Regulations for Omnibuses formally forbids conductors to give drivers the signal to proceed until passengers alighting are safe on the ground, and those who have got up have taken their seats. It therefore condemned the company to pay the widow the sum of 20,000fr. (of which 3,000fr. within a fortnight from the date of the present judgment); also 500fr. a-year to the son until his majority, and to purchase an annuity of 8,000fr. for each of the daughters. The company was likewise condemned to pay all costs of suit.

ILLEGAL LOTTERIES.

The Court of Appeal, last week, confirmed the sentences condemning M. Millaud to pay a fine of 100fr. for establishing an unauthorised lottery, and M. Leo Lespès one of 50fr. for advertising the said lottery. The offence, it may be remembered, consisted in selling, at a slightly augmented price, fractions of chances for the prizes given to the Crédit Foncier bonds.

SOCIETIES AND INSTITUTIONS.

METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

SOME REMARKS ON THE FUSION OF LAW AND EQUITY.*

The fusion of law and equity is a subject which, for some years past, has drawn to itself a considerable share of attention both from the Legislature and the profession. From the public it had long previously met with the sort of atten-

* A paper read at the late meeting of the Metropolitan and Provincial Law Association by H. J. Francis, Esq., 36, Lincoln's Inn-fields.

tion which the public always (and naturally) gives to a subject of a technical or scientific character not falling in with its own notion—that is to say, the want of fusion had called forth very hearty abuse. For the public notion is that the court of justice to which a man applies for the redress of a wrong should be able to right him once and for all. Nothing is more abhorrent to a familiar idea of justice than that a suitor should be (as the saying is) “banded about” from court to court before a full and final decision of his cause can be had. Hardly anything can be imagined more likely than this to bring a system of judicature into disrespect. This disrespect is, in itself, a thing to be avoided, even if it rested on less solid ground than it seems to me to do. For the law is only a code of rules by which the community agree to be bound, and if the code be such that, though submitted to, the submission is unwilling, an alteration should be made, unless it can be shown that greater inconvenience will arise from a change than from leaving things as they are. But in addition to the kind of objection above referred to, I think a legal audience will not want proof that actual mischief and wrong have often resulted from the separation of law and equity, even since the modern attempts to bring them somewhat together.

You must all have seen cases in which a clear wrong existed, but in which it was most difficult to advise whether resort should be had to a court of law or a court of equity. Sometimes this happens from the case being, so to speak, just on the border land of jurisdiction, and sometimes because the two remedies are open, but until the case is launched, and the facts on the other side brought out a little, it is all but impossible to say which tribunal will turn out the fittest. I have known the ablest counsel at the two bars to meet in consultation and with blank looks declare they did not know whether law or equity should be applied to, the result generally being that the man of law tried to convince his brother of equity that he should take charge of the troublesome babe of a grievance, and see if he could nurse it up into a suit. Now this is not agreeable for a client, and he is apt to say, “Why! you all tell me I am wronged, and yet you cannot tell me how I am to be righted!” If we plead that we cannot help the system, he says—“Yes you can. You are the engineers and stokers who work the legal engines, and if they will not do their work rightly, you should make others that will. What is the good of all your science if you cannot do that?” and he thinks, if he does not say it, that lawyers are a parcel of obstructives, and the law a nuisance.

I am not forgetful of the fact that no system can be made which will infallibly fit all cases. But I think the exceptions are at present far too numerous, and that something more of “fusion” would reduce them. It may be that I am going more than I need into the question of the *desirability* of fusion, and that the question in your mind is not as to the desirability, but the practicability. It may very well be so with members of this association, because, beyond all doubt, the consideration which has been given by the association to the subject of law reform generally, has brought about views on the part of those connected with it differing often and widely from those entertained by many members of the profession who have not had the same opportunities. For it is, as it seems to me, the fact, that with at any rate some of the profession this subject has not been looked at with the attention it deserves.

The recent steps towards fusion have, I fear, sometimes been rather regarded as “tubs to that whale” the public, than as things which ought to be striven earnestly for, and as having right at the bottom of them. But to their credit be it said, the body of solicitors are not those from whom obstructiveness has come in the way of legal reforms generally, and of the recent attempts at fusion in particular. The bar and the judges between them must take the blame of that, the judges most of all.

Take for instance Sir Hugh Cairns' Act (21 & 22 Vict. c. 27), giving the Court of Chancery power (but not compelling it) to try any question of fact by a jury. I think I may safely say that no equity judge ever tried a common law question under this statute if he could possibly help it, and that in fact the statute was a failure on that account.*

Then came the Chancery Evidence Commission Act (23 & 24 Vict. c. 128) giving the Lord Chancellor, and any three of the equity judges, power to make general orders as to the mode of taking evidence in chancery, the intention being to introduce *vide* evidence at the hearing of the cause.

* A good illustration of this will be found in the case of *Durcell v. Pritchard*, 14 W. R. 212.—Ed. S. J.

Accordingly such evidence was introduced by the general orders of 5th February, 1861, but hampered in such a way by the necessity for settling issues, that such an examination has been rendered all but practically impossible, and so that part of the common law system has never got root in equity.

Mr. Rolt, to his praise be it said, introduced into Parliament and got passed an Act (25 & 26 Vict. c. 42), intended to make it compulsory on the Court of Chancery to try every question of law or fact on the determination of which the title to relief in equity depended. But even into this Act a clause (the second) got squeezed, allowing the Court to send issues to the assizes.*

To what extent the judges will avail themselves of this clause remains very much to be seen. As regards patent cases, at any rate, it is to be hoped not at all; for in this mechanical age “patent suits” have grown so enormously in number that the monstrous injustice of sending a man to one court to prove that he has a patent, and then to another to enforce his rights under it, cried aloud for a remedy.†

In respect of facilitating fusion by the adoption of the new measures tending to it, the common law judges are no better off than their equity colleagues. By their decisions on equitable pleas they have so narrowed the scope of such pleas as to make them of very little avail. Originally they held that such a plea must be an unconditional bar to the action: *Wodehouse v. Farebrother*, 25 L. J. Q. B. 197. From this they seem to have relaxed a little in some later cases, but equitable pleadings are still looked upon as intruders—a sort of “poor relations” whose presence must be recognised and submitted to, but who are certainly not to be welcomed or encouraged to repeat their visit.

Of course, in the face of this reluctance on the part of judges to incorporate the two systems, the bar can do but little, or I verily believe more progress would have been made. At the same time, however, it is but right to admit that when a set of men have been educated (as our judges have) in the one branch, to the almost total exclusion of the other, it is not to be wondered at that they recoil at administering any part of the system of which they know little. They naturally fear miscarriage through ignorance, and they do not like to be put back as it were to school and made to study a new subject.

All the difficulties of fusion seem to me, in fact, to resolve themselves into this; and I never believe it impossible to overcome any difficulty in any science if such difficulty be merely formal and technical. But in my judgment it would be in the last degree improper to introduce a compulsory fusion in the present state of education of the bar and the judges. Such a change would be a great one, and nearly all great changes should be gradual.

Propinquity is said to be the great promoter of matrimony in everyday life, and, if I mistake not, propinquity will turn out to be the great promoter of matrimony between law and equity.

The permission of the elders (in Parliament assembled) has gone forth for the “young people” to see something of one another. They have dallied a little together, but with no great signs of love hitherto. They do not yet understand one another's ways. The rigid form of law is unable to comprehend the plastic beauty of equity, and the latter in her pliant freedom frets at the sternness of her proposed spouse. More knowledge in each of the good points in the other must be gained before an alliance can result, and when that time arrives both parties must concede a little to make the match a happy one. Hitherto in our time and long before, this element of propinquity has been all but entirely wanting. Not only are the members of the two bars educated on a different system, but they are educated almost wholly apart; and when they come to practice there is a physical separation between them which makes the interchange of ideas impossible for any useful purpose. The common law bar may be said to be located in the Temple, and that of equity in Lincoln's-inn. The courts of law sit at

* In speaking of this Act, the endeavour of Lord Westbury to secure its efficiency by rendering it compulsory on any judge sending a case to law, to state on the face of his judgment his reason for so doing, which unhappily failed from the opposition of the law lords, should not be forgotten.—Ed. S. J.

† We do not see how sending an issue to a jury in the country by the Court of Chancery is “bandying a man from court to court,” any more than sending down a common law cause for trial at the assizes. In either case the jury in the county town find the facts, the Court at Lincoln's-inn or Westminster deals with them; the old course of giving “liberty to bring such action as the plaintiff may be advised,” was a very different matter, and has been, we hope, effectually got rid of by Mr. Rolt's Act.—Ed. S. J.

Westminster, and those of equity at Lincoln's-inn. Again, every member of our branch of the profession knows what a difficult thing it is to get an equity barrister into a common law court, and *vice versa*. This is a physical difficulty and nothing else; and this physical difficulty is on the point of being done away with by the concentration of all the courts under one roof, in pursuance of the Act of last session, for building the Palace of Justice. This propinquity, I venture to prophesy, will bring about the marriage. When once you get the common law and equity courts within a dozen yards of one another, there will be no more difficulty (indeed not so much) in getting a barrister from the one court into the other than there is now in getting one from the Queen's Bench into the Common Pleas, or from one Vice-Chancellor's court to another. The result is certain to be more frequent intercommunication between the members of the two bars. So also with the judges. If they can sit two together (one from the common law and the other from the equity bench) in cases where the knowledge of each is needed, without having to go out of the building to do so, means will soon be found to enable them. Moreover they will be able, from the very same cause of nearness, to consult together and get the benefit of one another's special experience without sitting together.

All this will no doubt for some time only produce an imperfect fusion. The two streams will run on as it were side by side, not separated by any boundary, but still not quite mixing. Mixture will certainly come, however, probably sooner than we think, but at any rate with a new race of judges, taken out of a bar which has become versed in both systems.* That there is no inherent difficulty which may not be readily surmounted seems plain enough. The separation has only arisen from the fact that, as Blackstone says, the ancient structure of our national jurisprudence (the "common law") was singularly defective in compass and enlargement of view; and, in consequence (owing probably to our national fear of change in anything ancient), new courts, which got to be called courts of equity, gradually established themselves, in order to effect what the ancient courts without reform could not do.†

In a tolerably simple state of society the existence of separate courts of equity and law would probably be a matter of comparatively small importance. So long as you have a clear unmixing legal or equitable right to enforce, and can therefore tell clearly which court you ought to go to, it does not much matter whether your remedy is got from the common law judge or the keeper of the King's conscience.

In the early days of the Conscience Court this simple state of society existed, and though there are ample traces from the beginning of conflict between it and the common law, the conflict was more in the nature of jealousy of the new court and the ecclesiastic guiding it than any assertion that the common law courts were able to grant the relief which equity was giving.

Some instances, it is true, do appear of the early chancellors assuming jurisdiction where the common law courts would have done full justice, but these are exceptions, and do not qualify the unquestioned fact that the conscience court got established to afford that relief which the ancient courts ought to, and could, have given if they would have bent their rules to meet natural justice.

The ancient simple state of society, however, long ago ceased to be; and, in the now enormous and constantly increasing condition of our trade, mixed questions of law and equity must arise much more often than they did formerly; and the convenient thing, therefore, certainly seems to be that all questions, whether legal or equitable, should be determined by one court. There can hardly be any doubt, I think, that vast numbers of commercial cases, in particular, which are tried in the common law courts, would be decided more in accordance with real justice if more of equitable views and practice existed in those courts. If any proof were really wanting of the practicability of one court performing both functions, the Court of Bankruptcy would go far to support it. That court has always been a court of equity as well as of law, and, as regards that part of its

* This propinquity has long existed in Ireland, where indeed there is no distinct equity bar, every one being, almost as of course, a member of some circuit; and some of the most eminent common law judges there were distinguished as equity counsel; yet the two systems are as distinct there as here: nay more—so are they in India and Australia, though the same judges preside, and the same counsel practice, on both sides of the court.—Ed. S. J.

† The distinction is not peculiar to English jurisprudence. Precisely the same duality of system obtained in the Roman law.—Ed. S. J.

jurisdiction, it has worked quite satisfactorily. Roughly and uncertainly constituted as that court has been, there has never been any complaint that a decision could not be had. The complaints have gone against the ministerial not the judicial functions of the court.

As regards the Act of last session, giving equitable jurisdiction to the county courts, there is, of course, nothing to be said at present. We must wait to see how it works. If it succeeds but badly at first it will only go to prove what I have remarked above—that such changes should be gradual. It must labour under the difficulty of having to be worked by judges educated under the common law system.*

Finally, I must just say (what it can hardly be necessary to say) that the above remarks are not meant for a grave argument of the question, but only, as the modern phrase goes, by way of ventilating it a little. Abler heads and pens than mine will be at work when the time comes for further action on the subject. Neither, I think, is it necessary to say anything about the possible effects of fusion on ourselves as attorneys and solicitors. It cannot matter to us whether we send our business all to one court, or half to one and half to the other, and, as regards quantity, fusion would, probably, increase it.

THE INSTITUTE OF SHORTHAND WRITERS.

On Friday week a special general meeting of the members of the above institute was held at the Law Institution, for the purpose of electing, by ballot, a president, treasurer, committee, two auditors, and secretary, for the ensuing year.

Mr. R. H. Tolcher was unanimously voted to the chair.

The CHAIRMAN, after stating the object for which the meeting was convened, congratulated those assembled upon the very considerable advance which, in a comparatively short time, the institute had made. Although the institute had been formed only a few weeks, there were twenty-two enrolled members, and the sum paid into his hands amounted to £92 8s. The institute had also been publicly recognised by a very important body; this augured well for the future, and he trusted that all its members would act in a spirit which betokened a desire to meet, as far as possible, the views and wishes of others. It was unnecessary, at a meeting composed of practising shorthand-writers, to dwell for a moment upon the aid which shorthand afforded in preserving authentic records of legal proceedings. In fact it had been found, in many instances, to be essential to the due administration of justice, and he believed that through the instrumentality of the institute, if properly conducted, it would be of still greater service by securing the increased efficiency and respectability of all who practised the art of shorthand writing in the courts of law and equity.

Mr. KNIGHT called attention to one or two considerations which he said should have influence with those who were about to vote for members of the committee. He thought it would be impolitic to elect more than one member of a firm; because the whole government of the institute might thus be vested in one or two houses, a result which he should deplore, as not likely to lead to extended views and action. Nor did he want men of one mental mould; but those of individuality and independent thought. Again, they would not have a well-balanced development of their energies and intelligence if they elected all men with grey heads. These, very pardonably because very naturally, were sometimes disinclined to let slip antiquated prejudices and old notions, which had travelled, probably, for some time in too narrow a groove. He should, however, be sorry to lose the benefit of their experience, and hoped the committee would be so constituted as to afford a wide and liberal representation.

Mr. J. N. CHERER said, after the remarks which had fallen from the last speaker, he thought it right, as a member of a firm, to state that he did not desire to serve on the committee, but should leave his partner, if elected, to fill that position. He was gratified to witness the results of the labours of those who had taken an active part in setting the institute afloat. He believed, the ship had been well launched and steered, and that she would very soon float into a haven of success.

Several members having offered suggestions on matters of detail, the ballot for officers was proceeded with, resulting as follows:—president, Mr. G. B. Snell, sen.; treasurer, Mr. R. H. Tolcher; committee, Messrs. Snell, sen., Walsh, sen.,

* Several of the present county court judges were equity counsel.—Ed. S. J.

Hodges, sen., Tolcher; council, Messrs. Hurst, Knight, M. Bennett, Walton; auditors, Messrs. Cherer and Corfield; secretary, Mr. J. G. Hodges, jun.

Mr. J. N. CHERER proposed that a letter of condolence and sympathy be sent to Mrs. Bullions, whose husband, one of the first members of the institute, had died within the past few days. He spoke with much feeling of the deceased, and suggested the propriety of returning the fees which Mr. Bullions had so recently paid upon his admission as a member.

Mr. HURST seconded the motion.

Mr. KNIGHT begged to be permitted to support the motion, because he might claim to have been more intimate with the deceased gentleman than any other member of the profession. He entirely endorsed the sentiments of the mover, and would not mar the beauty of their expression by any repetition.

The PRESIDENT observed that the late Mr. Bullions felt a lively interest in the institute, and, in order to aid it, had offered to perform the duties of secretary for twelve months gratuitously.

The resolution passed unanimously.

The CHAIRMAN informed the meeting that he had anticipated that which the latter part of the motion recommended. He had returned the money to the widow, feeling confident that such a course would be approved of.

On the motion of Mr. Hodges, seconded by Mr. Hibbit, a cordial vote of thanks was unanimously passed to the Chairman for his impartiality in the conduct of the proceedings.

The CHAIRMAN said he could honestly state that that day would rank among many of the happy ones of his life; for he now had the assurance that that object would be attained which he, with others, had long earnestly desired; namely, of seeing his profession based upon a better footing, by raising the standard of excellence as regarded each and all its members. If the same good feeling and unanimity continued as had prevailed at that meeting, the success of the institute was certain.

ARTICLED CLERKS' SOCIETY.

At a meeting held at the Whittington Club, Arundel-street, W.C., under the presidency of Mr. May, Mr. Benn Davis moved "That non-intervention is the true principle by which our relationship with other countries should be maintained." Mr. P. W. Drummond opposed. The motion was carried by a majority of six to five.

BIRMINGHAM CHAMBER OF COMMERCE.

The ordinary monthly meeting of the council was held on Tuesday afternoon last. There were present Mr. J. S. Wright (vice-president), and Messrs. G. Dixon, A. Field, S. S. Lloyd, T. Lloyd, E. Sturge, and C. H. Wagner. Resolutions to be discussed at the annual meeting of the Associated Chambers of Commerce, in February next, were submitted for approval. The first on bankruptcy reform, introduced by Mr. Sampson Lloyd, was much the same as last year, the following being the principal points, viz., First, the appointment of a chief judge. Secondly, the consolidation of the law into one statute. Thirdly, the assimilation of the law in Great Britain. Fourthly, the adoption in the main of the Scottish system, a stricter definition of the offences in the bankruptcy law, and a division of reckless and fraudulent acts; all cases coming under the latter class to be dealt with in the criminal courts.

Mr. ARTHUR RYLAND proposed the following resolution on the subject of registration of trade marks in England:—"That a registration of trade marks would, in the opinion of this meeting, increase the certainty and decrease the cost of maintaining the title to such marks in England, and would also facilitate the procuring more effective provisions than now exist for the protection of British trade marks in foreign countries."

Mr. G. DIXON and Mr. A. FIELD proposed the following resolution on international maritime law:—"That in the opinion of this meeting the declaration of principles by the Congress of Paris in 1856 falls short of the demands of civilisation, the requirements of commerce, and the growing desire to lessen the calamity of war in not extending to private property of belligerents on the ocean the freedom from seizure proclaimed for that of neutrals. That a copy of this resolution be forwarded to her Majesty's Government and the principal Chambers of Commerce."

On the motion of Mr. E. STURGE, the following resolution was adopted with reference to the landing of the West India and Pacific Mails at Falmouth:—"That the present is a favourable time for urging on the attention of Government

the advantage of landing the West India and Pacific Mails at Falmouth, under the same arrangements as those which apply to the landing of the American Mails at Queenstown. That the Secretary be requested to invite the co-operation of the Chambers of Commerce of Bristol, Liverpool, Manchester, and Glasgow, in making a simultaneous effort to effect that object."

The Vice-president was directed to obtain, through Mr. Scholefield, more complete statistics, showing the progress of different continental countries in the manufacture of hardware goods during the last fifteen years. The consideration of the letter of Mr. Spence, of Manchester, proposing to repeal the law as regards indorsements on stamps and cheques, was deferred to the next meeting of the council. There was no other business of importance.

LAW STUDENTS' JOURNAL.

HILARY EDUCATIONAL TERM, 1866.

Table of the days and hours for the delivery of the public lectures by the readers appointed by the Inns of Court, and for the attendance of the private classes.

READERS—INN OF COURT.		DAYS AND HOURS OF MEETING.	
		Public Lectures.	Private Classes.
Constitutional Law and Legal History, Lincoln's Inn Hall.	Private Class, Benchers' Reading Room.	Wednesdays, 2 p.m. First Lecture, 17th January.	Tuesd., Thursd., & Saturd. 10 a.m. First Class, 15th January.
Equity, Lincoln's Inn Hall.	Private Class, Benchers' Reading Room.	Thursdays, Elementary Lecture, 2 p.m. Advanced Lecture, 3 p.m. 17th January.	Mon., 2 p.m. & 4 p.m. Wed. & Frid. First Class, 15th January.
Real Property, &c. Gray's Inn Hall.	Private Class, North Library.	Tuesdays, Elementary Lecture, 2 p.m. Advanced Lecture, 3 p.m. 16th January.	Mon., Wedn., & Frid. 2 a.m., 2 to 1 p.m. First Class, 17th January.
Civil Law &c., Middle Temple Hall.	Private Class, Middle Temple Library.	Fridays, 2 p.m. First Lecture, 17th January.	Tuesd., Thursd., & Saturd. 2 to 4 p.m. First Class, 15th January.
Common Law, Inner Temple Hall.	Private Class, Inner Temple Hall.	Monday's, Elementary Lecture, 2 p.m. Advanced Lecture, 3 p.m. First Lecture, 15th January.	Tuesd., Thursd., & Saturd. 2 to 12 a.m. & 2 to 1 p.m. First Class, 16th January.

History of English Law, from the meeting of the Long Parliament to the Restoration."

With his private class the reader proposes to go through the principal statutes, trials, cases, and State documents, which illustrate the history of the English constitution and the history of English Law from the meeting of the Long Parliament to the death of Charles II. He will use Hallam's Constitutional History as his principal text-book.

EQUITY.

The Reader proposes to deliver two courses of public lectures (six lectures each) on the following subjects:—

Elementary Course.

- I.—On Trusts in General—Uses in Land—Statute of Uses—Trusts of Land.
- II.—Creation of Express Trusts—Statute of Frauds—Performance of Trusts—Trusts for Creditors.
- III.—Incidents of Trust Estates.
- IV.—On the Duties and Liabilities of Trustees—Remedies for Breaches of Trust.
- V.—On Charitable Trusts—Statute of Charitable Uses.
- VI.—On Superstitious Uses.

Advanced Course.

- I.—On Constructive Frauds.
- II.—On the Administration of Personal Assets.
- III.—On the Administration of Real Assets.

In the Elementary Private Class, the subjects discussed will be—The Rights and Liabilities of Married Women recognised in a Court of Equity only.

In the Advanced Private Class, the lectures will comprehend—The Validity of Voluntary Settlements and *Donations mortis causa*: Pleading and evidence in Courts of Equity.

THE LAW OF REAL PROPERTY, &c.

The Reader proposes to deliver two courses of public lectures (six lectures each), on the following subjects:—

Elementary Course.

- I.—The Doctrine of Election.
- II.—The Doctrine of Equitable Conversion.
- III.—Trusts and Powers of Sale.

Advanced Course.

- I.—The Law of Domicil.
- II.—The effect of a Testamentary Charge of Debts.

In his private classes the Reader will, with the elementary class, continue his course of Real Property Law, using the work of Mr. Joshua Williams as a text-book; and with the advanced class the Reader will go through cases, to be selected from Tudor's Leading Cases in Conveyancing.

JURISPRUDENCE, CIVIL AND INTERNATIONAL LAW.

The Reader proposes to deliver six lectures on the following subjects:—

- I.—The Historical Development of the Doctrines of International Law with respect to the Right of Search.
- II.—The Roman idea of *Dominium*, and the origin of the Distinction between Legal and Equitable Ownership.
- III.—The Modes of Acquisition of property by the Roman and English Law.
- IV.—The Comparison of the Roman and French Law respecting the Transfer of Property, with the English Law upon the same subject.

In his private class the Reader will consider the Roman Law of Mandate Quasi Contracts, Delicts and Quasi Delicts, using Sandars's edition of the Institutes of Justinian, and the *Systema Juris Romani* of Mackeldey as text-books, and contrast it with the English and French law upon the same head.

The Reader will also discuss points of International Law with respect to the International Rights of States in their Hostile Relations, using the work of Wheaton as a text-book, and referring to the works of the principal modern jurists, decisions of the admiralty and prize courts of England and America, the debates in Parliament, and state papers relating to the matters under discussion.

COMMON LAW.

The Reader proposes to deliver two courses (of six public lectures each) upon the following subjects:—

Elementary Course.

- I.—The Science of Pleading will be considered, and the Leading Principles observed by the Pleader will be stated and explained.
- II.—The mode of shaping and adapting Proofs to the Issues raised by the Pleadings will be noticed.
- III.—The Proceedings on a Trial at Nisi Prius will be specified, the functions of the Judge and Jury respectively being indicated.

Advanced Course.

- I.—A general view of our Law Merchant will be taken.
- II.—Mercantile Contracts, and the admissibility of Evidence to explain them, will be considered.
- III.—Mercantile Remedies will be enumerated, and the method of applying them will be exemplified.

With his private class the reader will proceed according to the plan above set forth; he will examine selected cases, explain the pleadings therein, and points connected with the law of evidence arising thereupon. The following books will be used for reference:—

Elementary class.—Stephen on Pleading; Precedents of Pleadings, by Messrs. Bullen and Leake; and Roscoe on Evidence at Nisi Prius.

Advanced class.—Smith's Mercantile Law, by Dowdeswell; Smith's Leading Cases (last edition); and Taylor on Evidence.

LAW LECTURES AT THE INCORPORATED LAW SOCIETY.

Mr. R. HORTON SMITH, on Conveyancing, Monday, January 8.

Mr. E. CHARLES, on Equity, Friday, January 12.

COURT PAPERS.

ATTENDANCE AT THE JUDGES' CHAMBERS.

On Wednesday Mr. Justice Lush, Mr. Justice Byles, and Mr. Baron Martin attended at chambers. There will be a daily attendance at chambers until the commencement of Hilary Term.

COURT OF PROBATE

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.
Sittings in and after Hilary Term, 1866.

COURT OF PROBATE.

Thursday..... Jan. 11 | Saturday..... Jan. 13
Friday..... " 12 |

FULL COURT FOR DIVORCE AND MATRIMONIAL CAUSES.
Thursday, Jan. 18.

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

Wednesday..... Jan. 17	Thursday..... Jan. 25
Friday..... " 19	Friday..... " 26
Saturday..... " 20	Saturday..... " 27
Wednesday..... " 24	Wednesday..... " 31

Trials by Jury.

Thursday..... Feb. 1	Thursday..... Feb. 22
Friday..... " 2	Friday..... " 23
Saturday..... " 3	Saturday..... " 24
Wednesday..... " 7	Wednesday..... " 28
Thursday..... " 8	Thursday..... Mar. 1
Friday..... " 9	Friday..... " 2
Saturday..... " 10	Saturday..... " 3
Wednesday..... " 14	Wednesday..... " 7
Thursday..... " 15	Thursday..... " 8
Friday..... " 16	Friday..... " 9
Saturday..... " 17	Saturday..... " 10
Wednesday..... " 21	

The trials by jury in the Court of Probate will be taken first.

The judge will sit in chambers to hear summonses at 11 o'clock, and in court to hear motions at 12 o'clock on Tuesday, January 16th, and on every succeeding Tuesday until Tuesday, March 13th inclusive.

All papers for motions are to be left with the clerk of the papers in the Registry before 2 o'clock on the preceding Thursday.

RULES AND REGULATIONS

FOR

HER MAJESTY'S COURT FOR DIVORCE AND MATRIMONIAL CAUSES,

Made under the provisions of 20 & 21 Vict. c. 85, 21 & 22 Vict. c. 108, 22 & 23 Vict. c. 61, 23 & 24 Vict. c. 144, 25 & 26 Vict. c. 81, 27 & 28 Vict. c. 44, and 21 & 22 Vict. c. 93.

All rules and regulations heretofore made and issued for her Majesty's Court for Divorce and Matrimonial Causes shall be revoked on and after the 11th day of January, 1866, except so far as concerns any matters or things done in accordance with them prior to the said day.

The following rules and regulations shall take effect in her Majesty's Court for Divorce and Matrimonial Causes on and after the 11th day of January, 1866.

Petition.

1. Proceedings before the Court for Divorce and Matrimonial Causes shall be commenced by filing a petition. A form of petition is given in the Appendix, No. 1.

2. Every petition shall be accompanied by an affidavit made by the petitioner, verifying the facts of which he or she has personal cognizance, and deposing as to belief in the truth of the other facts alleged in the petition, and such affidavit shall be filed with the petition.

3. In cases where the Petitioner is seeking a decree of nullity of marriage, or of judicial separation, or of dissolution of marriage, or a decree in a suit of jactitation of marriage, the petitioner's affidavit, filed with his or her petition, shall further state that no collusion or connivance exists between the petitioner and the other party to the marriage or alleged marriage.

Co-respondents.

4. Upon a husband filing a petition for dissolution of marriage on the ground of adultery, the alleged adulterers shall be made Co-respondents in the cause, unless the Judge Ordinary shall otherwise direct.

5. Application for such direction is to be made to the Judge Ordinary on motion founded on affidavit.

6. If the names of the alleged adulterers, or either of them, should be unknown to the petitioner, at the time of filing his petition, the same must be supplied as soon as known, and application must be made forthwith to one of the Registrars to amend the petition by inserting such name therein, and the Registrar to whom the application is made, shall give his directions as to such amendment, and such further directions as he may think fit as to service of the amended petition.

7. The term "respondent," where the same is hereinafter used, shall include all co-respondents, so far as the same is applicable to them.

Citation.

8. Every petitioner who files a petition and affidavit shall forthwith extract a citation, under seal of the Court, for service on each Respondent in the cause. A form of citation is given in the Appendix, No. 2.

9. Every citation shall be written or printed on parchment, and the party extracting the same, or his or her proctor, solicitor, or attorney, shall take it, together with a precept, to the Registry, and there deposit the precept and get the citation signed and sealed.—A form of precept is given in the Appendix, No. 3. The address given in the precept must be within three miles of the General Post Office.

Service.

10. Citations are to be served personally when that can be done.

11. Service of a citation shall be effected by personally delivering a true copy of the citation to the party cited, and producing the original, if required.

12. To every person served with a citation, shall be delivered, together with the copy of the citation, a certified copy of the petition, under seal of the Court.

13. In cases where personal service cannot be effected, application may be made by motion to the Judge Ordinary, or to the Registrars in his absence, to substitute some other mode of service.

14. After service has been effected, the citation, with a certificate of service endorsed thereon, shall be forthwith returned into and filed in the Registry. The Form of Certificate of Service is given in the Appendix, No. 4.

15. When it is ordered that a citation shall be advertised,

the newspapers containing the advertisements are to be filed in the Registry with the citation.

16. The above rules, so far as they relate to the service of citations, are to apply to the service of all other instruments requiring personal service.

17. Before a Petitioner can proceed, after having extracted a citation, an appearance must have been entered by or on behalf of the Respondents, or it must be shown by affidavit, filed in the Registry, that they have been duly cited, and have not appeared.

18. An affidavit of service of a citation must be substantially in the form given in the Appendix, No. 5, and the citation referred to in the affidavit must be annexed to such affidavit, and marked by the person before whom the same is sworn.

Appearance.

19. All appearances to citations are to be entered in the Registry in a book provided for that purpose. The Form of entry of appearance is given in the Appendix, No. 6.

20. An appearance may be entered at any time before a proceeding has been taken in default, or afterwards, as hereinafter directed, or by leave of the Judge Ordinary, or of the Registrars in his absence, to be applied for by motion founded on affidavit.

21. Every entry of an appearance shall be accompanied by an address, within three miles of the General Post Office.

22. If a party cited wishes to raise any question as to the jurisdiction of the Court, he or she must enter an appearance under protest, and within eight days file in the Registry his or her act on petition in extension of such protest, and on the same day deliver a copy thereof to the Petitioner. After the entry of an absolute appearance to the citation, a party cited cannot raise any objection as to jurisdiction.

Interveners.

23. Application for leave to intervene in any cause must be made to the Judge Ordinary by motion, supported by affidavit.

24. Every party intervening must join in the proceedings at the stage in which he finds them, unless it is otherwise ordered by the Judge Ordinary.

Suits in forma Pauperis.

25. Any person desirous of prosecuting a suit in forma pauperis is to lay a case before counsel, and obtain an opinion that he or she has reasonable grounds for proceeding.

26. No person shall be admitted to prosecute a suit in forma pauperis without the order of the Judge Ordinary; and to obtain such order the case laid before counsel and his opinion thereon, with an affidavit of the party or of his or her proctor, solicitor, or attorney, that the said case contains a full and true statement of all the material facts, to the best of his or her knowledge and belief, and an affidavit of the party applying as to his or her income or means of living, and that he or she is not worth £25, after payment of his or her just debts, save and except his or her wearing apparel, shall be produced at the time such application is made.

27. Where a husband admitted to sue as a pauper neglects to proceed in a cause, he may be called upon by summons to show cause why he should not pay costs, though he has not been dispaupered, and why all further proceedings should not be stayed until such costs be paid.

Answer.

28. Each Respondent who has entered an appearance may, within twenty-one days after service of citation on him or her, file in the Registry an answer to the petition.—A Form of Answer is given in the Appendix, No. 7.

29. Each Respondent shall, on the day he or she files an answer, deliver a copy thereof to the petitioner, or to his or her proctor, solicitor, or attorney.

30. Every answer which contains matter other than a simple denial of the facts stated in the petition, shall be accompanied by an affidavit made by the Respondent, verifying such other or additional matter, so far as he or she has personal cognizance thereof, and deposing as to his or her belief in the truth of the rest of such other or additional matter, and such affidavit shall be filed with the answer.

31. In cases involving a decree of nullity of marriage, or of judicial separation, or of dissolution of marriage, or a decree in a suit of jactitation of marriage, the Respondent who is husband or wife of the Petitioner shall, in the affidavit filed with the answer, further state that there is not

any collusion or connivance between the deponent and the petitioner.

Further Pleadings.

32. Within fourteen days from the filing and delivery of the answer the petitioner may file a reply thereto, and the same period shall be allowed for filing any further pleading by way of rejoinder, or any subsequent pleading.

33. A copy of every reply and subsequent pleading shall, on the day the same is filed, be delivered to the opposite parties, or to their proctor, solicitor, or attorney.

General Rules as to Pleadings.

34. Either party desiring to alter or amend any pleading must apply by motion to the Court for permission to do so, unless the alteration or amendment be merely verbal, or in the nature of a clerical error, in which case it may be made by order of the Judge Ordinary, or of one of the Registrars in his absence, obtained on summons.

35. When a petition, answer or other pleading has been ordered to be altered or amended, the time for filing and delivering a copy of the next pleading shall be reckoned from the time of the order having been complied with.

36. A copy of every pleading showing the alterations and amendments made therein shall be delivered to the opposite parties, on the day such alterations and amendments are made in the pleadings filed in the Registry; and the opposite parties, if they have already pleaded in answer thereto, shall be at liberty to amend such answer within four days, or such further time as may be allowed for the purpose.

37. If either party in the cause fail to file or deliver a copy of the answer, reply, or other pleading, or to alter or amend the same, or to deliver a copy of any altered or amended pleading, within the time allowed for the purpose, the party to whom the copy of such answer, reply, or other pleading, or altered or amended pleading, ought to have been delivered, shall not be bound to receive it, and such answer, reply, or other pleading shall not be filed, or be treated, or considered as having been filed, or be altered or amended, unless by order of the Judge Ordinary, or of one of the Registrars, to be obtained on summons. The expense of obtaining such order shall fall on the party applying for it, unless the Judge Ordinary or Registrar shall otherwise direct.

38. Applications for further particulars of matters pleaded are to be made to the Judge Ordinary, or to one of the Registrars in his absence, by summons, and not by motion.

Service of Pleadings, &c.

39. It shall be sufficient to leave all pleadings and other instruments, personal service of which is not expressly required by these rules and regulations, at the respective addresses furnished by or on behalf of the several parties to the cause.

Mode of Trial.

40. When the pleadings, on being concluded, have raised any questions of fact, the Petitioner, within fourteen days from the filing of the last pleading, or at the expiration of that time, on the next day appointed for hearing motions in this Court, or in case the Petitioner should fail to do so at such time, either of the Respondents on whose behalf such questions have been raised, may apply to the Judge Ordinary by motion to direct the truth of such questions of fact to be tried by a special or common jury.

Questions of Fact for the Jury.

41. Whenever the Judge Ordinary directs the issues of fact in a cause to be tried by a jury, the questions of fact raised by the pleadings are to be briefly stated in writing by the petitioner, and settled by one of the Registrars.—A Form is given in the Appendix, No. 8.

42. Should the Petitioner fail to prepare and deposit the questions for settlement in the Registry within fourteen days after the Judge Ordinary has directed the mode of trial, either of the Respondents on whose behalf such questions have been raised shall be at liberty to do so.

43. After the questions have been settled by the Registrar, the party who has deposited the same shall deliver a copy thereof as settled to each of the other parties to be heard on the trial of the cause, and either of such parties shall be at liberty to apply to the Judge Ordinary, by summons within eight days, or at the expiration of that time, on the next day appointed for hearing summonses in this Court, to alter or amend the same, and his decision shall be final.

Setting down the Cause for Trial or Hearing.

44. In cases to be tried by a jury, the Petitioner, after

the expiration of eight days from the delivery of copies of the questions for the jury to the opposite parties, or from alteration or amendment of the same, in pursuance of the order of the Judge Ordinary, shall file such questions as finally settled in the Registry, and at the same time set down the cause as ready for trial, and on the same day give notice of his having done so to each party for whom an appearance has been entered.

45. In cases to be heard without a jury, the Petitioner shall, after obtaining directions as to the mode of hearing, set the cause down for hearing, and on the same day give notice of his having done so to each party in the cause for whom an appearance has been entered.

46. If the Petitioner fail to file the questions for the jury, or to set down the cause for trial or hearing, or to give due notice thereof, for the space of one month, after directions have been given as to the mode in which the cause shall be tried or heard, either of the Respondents entitled to be heard at such trial or hearing may file the questions for the jury and set the cause down for trial or hearing, and shall on the same day give notice of his having done so to the Petitioner, and to each of the other parties to the cause for whom an appearance has been entered.

47. A copy of every notice of the cause being set down for trial or hearing shall be filed in the Registry, and the cause shall come on in its turn, unless the Judge Ordinary shall otherwise direct.

Trial or Hearing.

48. No cause shall be called on for trial or hearing until after the expiration of ten days from the day when the same has been set down for trial or hearing, and notice thereof has been given, save with the consent of all parties to the suit.

49. The Registrar shall enter in the Court Book the finding of the jury and the decree of the Court, and shall sign the same.

50. Either of the Respondents in the cause, after entering an appearance, without filing an answer to the petition in the principal cause, may be heard in respect of any question as to costs, and a Respondent, who is husband or wife of the Petitioner, may be heard also in respect to any question as to custody of children, but a Respondent who may be so heard is not at liberty to bring in affidavits touching matters in issue in the principal cause, and no such affidavits can be read or made use of as evidence in the cause.

Evidence taken by Affidavit.

51. When the Judge Ordinary has directed that all or any of the facts set forth in the pleadings be proved by affidavits, such affidavits shall be filed in the Registry within eight days from the time when such direction was given, unless the Judge Ordinary shall otherwise direct.

52. Counter-affidavits as to any facts to be proved by affidavit may be filed within eight days from the filing of the affidavits which they are intended to answer.

53. Copies of all such affidavits and counter-affidavits shall, on the day the same are filed, be delivered to the other parties to be heard on the trial or hearing of the cause, or to their Proctors, Solicitors, or Attorneys.

54. Affidavits in reply to such counter-affidavits cannot be filed without permission of the Judge Ordinary, or of the Registrars in his absence.

55. Application for an order for the attendance of a deponent for the purpose of being cross-examined in open Court shall be made to the Judge Ordinary, on summons.

Proceedings by Petition.

56. Any party to a cause who has entered an appearance may apply on summons to the Judge Ordinary, or in his absence to the Registrars, to be heard on his petition touching any collateral question which may arise in a suit.

57. The party to whom leave has been given to be heard on his petition shall, within eight days, file his act on petition in the Registry, and on the same day deliver a copy thereof to such parties in the cause as are required to answer thereto.

58. Each party to whom a copy of an act on petition is delivered shall, within eight days after receiving the same, file his or her answer thereto, in the Registry, and on the same day deliver a copy thereof to the opposite party, and the same course shall be pursued with respect to the reply, rejoinder, &c., until the act on petition is concluded.

59. A form of Act on petition, answer, and conclusion is given in the Appendix, No. 9.

60. Each party to the act on petition shall, within eight days from that on which the last statement in answer is filed, file in the Registry such affidavits and other proofs as may be necessary in support of their several averments.

61. After the time for filing affidavits and proofs has expired, the party filing the act on petition is to set down the petition for hearing in the same manner as a cause; and in the event of his failing to do so within a month, any party who has filed an answer thereto may set the same down for hearing, and the petition will be heard in its turn with other causes to be heard by the Judge Ordinary without a jury.

New Trial and Hearing.

62. An application to the Judge Ordinary for a new trial of issues of fact tried by a jury, or for a re-hearing of a cause, may be made by motion within fourteen days from the day on which the issues were tried or the cause was heard, if the Judge Ordinary be then sitting to hear motions; if not, on the first day appointed for hearing motions in this Court after the expiration of the fourteen days.

Petition for reversal of Decree of Judicial Separation.

63. A Petition to the Court for the reversal of a decree of judicial separation must set out the grounds on which the Petitioner relies.—A Form of such Petition is given in the Appendix, No. 10.

64. Before such a Petition can be filed, an appearance on behalf of the party praying for a reversal of the decree of judicial separation must be entered in the cause in which the decree has been pronounced.

65. A certified copy of such a Petition, under seal of the Court, shall be delivered personally to the party in the cause in whose favour the decree has been made, who may within fourteen days file an answer thereto in the Registry, and shall, on the day on which the answer is filed, deliver a copy thereof to the other party in the cause, or to his or her proctor, solicitor, or attorney.

66. All subsequent pleadings and proceedings arising from such petition and answer shall be filed and carried on in the same manner as before directed, in respect of an original Petition for judicial separation, and answer thereto, so far as such directions are applicable.

Demurrer.

67. All demurrers are to be set down for hearing in the same manner as causes, and will come on in their turn with other causes to be heard by the Judge Ordinary without a jury, unless the Judge Ordinary shall direct otherwise.

Intervention of the Queen's Proctor.

68. The Queen's Proctor shall, within fourteen days after he has obtained leave to intervene in any cause, enter an appearance and plead to the petition; and on the day he files his plea in the Registry shall deliver a copy thereof to the petitioner, or to his proctor, solicitor, or attorney.

69. All subsequent pleadings and proceedings in respect to the Queen's Proctor's intervention in a cause shall be filed and carried on in the same manner as before directed in respect of the pleadings and proceedings of the original parties to the cause.

Showing Cause against a Decree.

70. Any person wishing to show cause against making absolute a decree nisi for dissolution of a marriage, shall enter an appearance in the cause in which such decree nisi has been pronounced.

71. Every such person shall, at the time of entering an appearance, or within four days thereafter, file affidavits setting forth the facts upon which he relies.

72. Upon the same day on which such person files his affidavits he shall deliver a copy of the same to the party in the cause in whose favour the decree nisi has been pronounced.

73. The party in the cause in whose favour the decree nisi has been pronounced may, within eight days after delivery of the affidavits, file affidavits in answer, and shall upon the day such affidavits are filed, deliver a copy thereof to the person showing cause against the decree being made absolute.

74. The person showing cause against the decree nisi being made absolute may, within eight days, file affidavits in reply, and shall upon the same day deliver copies thereof to the party supporting the decree nisi.

75. No affidavits are to be filed in rejoinder to the affi-

davits in reply without permission of the Judge Ordinary, or of one of the Registrars in his absence.

76. The questions raised on such affidavits shall be argued in such manner and at such time as the Judge Ordinary may, on application by motion, direct; and if he thinks fit to direct any controverted questions of fact to be tried by a jury, the same shall be settled and tried in the same manner and subject to the same rules as any other issue tried in this Court.

Appeals to the full Court.

77. An appeal to the full Court from a decision of the Judge Ordinary must be asserted in writing, and the instrument of appeal filed in the Registry within the time allowed by law for appealing from such decision; and on the same day on which the appeal is filed, notice thereof, and a copy of the appeal, shall be delivered to each Respondent in the appeal, or to his or her proctor, solicitor, or attorney.—A Form of Instrument of Appeal is given in the Appendix, No. 11.

78. The Appellant, within ten days after filing his instrument of appeal, or within such further time as may be allowed by the Judge Ordinary, or by the Registrars in his absence, shall file in the Registry his case in support of the appeal in triplicate, and on the same day deliver a copy thereof to each Respondent in the appeal, or to his proctor, solicitor, or attorney, who, within ten days from the time of such filing and delivery, or from such further time as may be allowed for the purpose by the Judge Ordinary, or the Registrars in his absence, shall be at liberty to file in the Registry a case against the appeal, also in triplicate, and the Respondent shall on the same day deliver a copy thereof to the appellant, or to his proctor, solicitor, or attorney.

79. After the expiration of ten days from the time when the respondent has filed his case, or, if he has filed none, from the time allowed him for the purpose, the appeal shall stand for hearing at the next sittings of the full Court, and will be called on in its turn, unless otherwise directed.

Decree absolute.

80. All applications to make absolute a decree nisi for dissolution of a marriage must be made to the Court by motion. In support of such applications it must be shown by affidavit filed with the case for motion that search has been made in the proper books at the Registry up to within two days of the affidavit being filed, and that at such time no person had obtained leave to intervene in the cause, and that no appearance had been entered nor any affidavits filed on behalf of any person wishing to show cause against the decree nisi being made absolute; and in case leave to intervene had been obtained, or appearance entered, or affidavits filed on behalf of any such person, it must be shown by affidavit what proceedings, if any, had been taken thereon, but it shall not be necessary to file a copy of the decree nisi.—A Form of Affidavit is given in the Appendix, No. 12.

Alimony.

81. The wife, being the Petitioner in a cause, may file her petition for alimony pending suit at any time after the citation has been duly served on the husband, or after order made by the Judge Ordinary to dispense with such service, provided the factum of marriage between the parties is established by affidavit previously filed.

82. The wife, being the Respondent in a cause, after having entered an appearance, may also file her petition for alimony pending suit.

83. A Form of Petition for Alimony is given in the Appendix, No. 13.

84. The husband shall, within eight days after the filing and delivery of a petition for alimony, file his answer thereto upon oath.

85. The husband, being respondent in the cause, must enter an appearance before he can file an answer to a petition for alimony.

86. The wife, if not satisfied with the husband's answer, may object to the same as insufficient, and apply to the Judge Ordinary on motion to order him to give a further and fuller answer, or to order his attendance on the hearing of the petition for the purpose of being examined thereon.

87. In case the answer of the husband alleges that the wife has property of her own, she may (within eight days) file a reply on oath to that allegation; but the husband is not at liberty to file a rejoinder to such reply without permission of the Judge Ordinary, or of one of the Registrars in his absence.

88. A copy of every petition for alimony, answer, and reply, must be delivered to the opposite party, or to his or her proctor, solicitor, or attorney, on the day the same is filed.

89. After the husband has filed his answer to the petition for alimony (subject to any order as to costs), or, if no answer is filed, at the expiration of the time allowed for filing an answer, the wife may proceed to examine witnesses in support of her petition, and apply by motion for an allotment of alimony pending suit, notice of the motion, and of the intention to examine witnesses, being given to the husband, or to his proctor, solicitor, or attorney, four days previously to the motion being heard and the witnesses examined, unless the Judge Ordinary shall dispense with such notice.

90. No affidavits can be read or made use of as evidence in support of or in opposition to the averments contained in a petition for alimony, or in an answer to such a petition, or in a reply, except such as may be required by the Judge Ordinary or by one of the Registrars.

91. A wife who has obtained a final decree of judicial separation in her favour, and has previously thereto filed her petition for alimony pending suit, on such decree being affirmed on appeal to the full Court, or after the expiration of the time for appealing against the decree, if no appeal be then pending, may apply to the Judge Ordinary by motion for an allotment of permanent alimony; provided that she shall, eight days at least before making such application, give notice thereof to the husband, or to his proctor, solicitor, or attorney.

92. A wife may at any time after alimony has been allotted to her, whether alimony pending suit or permanent alimony, file her petition for an increase of the alimony allotted by reason of the increased faculties of the husband, or the husband may file a petition for a diminution of the alimony allotted by reason of reduced faculties; and the course of proceeding in such cases shall be the same as required by these rules and regulations in respect of the original petition for alimony, and the allotment thereof, so far as the same are applicable.

93. Permanent alimony shall, unless otherwise ordered, commence and be computed from the date of the final decree of the Judge Ordinary, or of the full Court on appeal, as the case may be.

94. Alimony, pending suit, and also permanent alimony, shall be paid to the wife, or to some person or persons to be nominated in writing by her, and approved of by the Court, as trustee or trustees on her behalf.

Maintenance and Settlements.

95. Applications to the Court to exercise the authority given by Sections 32 and 45 of 20 & 21 Vict. c. 85, and by Section 5 of the 22 & 23 Vict. c. 61, are to be made in a separate petition, which must, unless by leave of the Judge, be filed as soon as by the said statutes such applications can be made, or within one month thereafter.

96. In cases of application for maintenance under Section 32 of the 20 & 21 Vict. c. 85, such petition may be filed as soon as a decree nisi has been pronounced, but not before.

97. A certified copy of such petition, under seal of the Court, shall be personally served on the husband or wife (as the case may be), and on the person or persons who may have any legal or beneficial interest in the property in respect of which the application is made, unless the Judge Ordinary on motion shall direct any other mode of service, or dispense with service of the same on them or either of them.

98. The husband or wife (as the case may be), and the other person or persons (if any) who are served with such petition, within fourteen days after service, may file his, her, or their answer on oath to the said petition, and shall on same day deliver a copy thereof to the opposite party, or to his proctor, solicitor, or attorney.

99. Any person served with the petition, not being a party to the principal cause, must enter an appearance before he or she can file an answer thereto.

100. Within fourteen days from the filing the answer, the opposite party may file a reply thereto, and the same period shall be allowed for filing any further pleading by way of rejoinder.

101. Such pleadings, when completed, shall in the first instance be referred to one of the Registrars, who shall investigate the averments therein contained in the presence of the parties, their proctors, solicitors, or attorneys, and who for that purpose shall be at liberty to require the production

of any documents referred to in such pleadings, or to call for any affidavits, and shall report in writing to the Court the result of his investigation, and any special circumstances to be taken into consideration with reference to the prayer of the petition.

102. The report of the Registrar shall be filed in the Registry by the husband or wife on whose behalf the petition has been filed, who shall give notice thereof to the other parties heard by the Registrar; and either of the parties, within fourteen days after such notice has been given, if the Judge Ordinary be then sitting to hear motions, otherwise on the first day appointed for motions after the expiration of fourteen days, may be heard by the Judge Ordinary on motion in objection to the Registrar's report, or may apply on motion for a decree or order to confirm the same, and to carry out the prayer of the petition.

103. The costs of a wife of and arising from the said petition or answer shall not be allowed on taxation of costs against the husband before the final decree in the principal cause, without direction of the Judge Ordinary.

Custody of and access to children.

104. Before the trial or hearing of a cause a husband or wife who are parties to it may apply for an order with respect to the custody, maintenance, or education of or for access to children, issue of their marriage, to the Judge Ordinary, by motion founded on affidavit.

Guardians to Minors.

105. A minor above the age of seven years may elect any one or more of his or her next of kin, or next friends, as guardian, for the purpose of proceeding on his or her behalf as Petitioner, Respondent, or intervener in a cause.—The Form of an Instrument of Election is given in the Appendix, No. 14.

106. The necessary instrument of election must be filed in the Registry before the guardian elected can be permitted to extract a citation or to enter an appearance on behalf of the minor.

107. When a minor shall elect some person or persons other than his or her next of kin as guardian for the purposes of a suit, or when an infant (under the age of seven years) becomes a party to a suit, application, founded on affidavit, is to be made to one of the Registrars, who will assign a guardian to the minor or infant for such suit.

108. It shall not be necessary for a minor who, as an alleged adulterer, is made a Co-respondent in a suit, to elect a guardian or to have one assigned to him for the purpose of conducting his defence.

Subpoenas.

109. Every subpoena shall be written or printed on parchment, and may include the names of any number of witnesses. The party issuing the same, or his or her proctor, solicitor, or attorney, shall take it, together with a precept, to the Registry, and there get it signed and sealed, and there deposit the precept.—Forms of Subpoena, Nos. 15 and 17, and Forms of Precept, Nos. 16 and 18, are given in the Appendix.

Writs of Attachment and other Writs.

110. Applications for writs of attachment, and also for writs of fieri facias and of sequestration, must be made to the Judge Ordinary by motion in Court.

111. Such writs, when ordered to issue, are to be prepared by the party at whose instance the order has been obtained, and taken to the Registry, with an office copy of the order, and, when approved and signed by one of the Registrars, shall be sealed with the seal of the Court; and it shall not be necessary for the Judge Ordinary or for other Judges of the Court to sign such writs.

112. Any person in custody under a writ of attachment may apply for his or her discharge to the Judge Ordinary if the Court be then sitting; if not, then to one of the Registrars, who for good cause shown shall have power to order such discharge.

Notices.

113. All notices required by these Rules and Regulations, or by the practice of the Court, shall be in writing, and signed by the party, or by his or her proctor, solicitor, or attorney.

Service of Notices, &c.

114. It shall be sufficient to leave all notices and copies of pleadings and other instruments which by these rules and regulations are required to be given or delivered to the

opposite parties in the cause, or to their proctors, solicitors, or attorneys, and personal service of which is not expressly required at the address furnished as aforesaid by the Petitioner and Respondent respectively.

115. When it is necessary to give notice of any motion to be made to the Court, such notice shall be served on the opposite parties who have entered an appearance four clear days previously to the hearing of such motion, and a copy of the notice so served shall be filed in the Registry with the case for motion, but no proof of the service of the notice will be required, unless by direction of the Judge Ordinary.

116. If an order be obtained on motion without due notice to the opposite parties, such order will be rescinded, on the application of the parties upon whom the notice should have been served; and the expense of and arising from the rescinding of such order shall fall on the party who obtained it, unless the Judge Ordinary shall otherwise direct.

117. When it is necessary to serve personally any order or decree of the Court, the original order or decree, or an office copy thereof, under seal of the Court, must be produced to the party served, and annexed to the affidavit of service marked as an exhibit by the Commissioner or other person before whom the affidavit is sworn.

Office Copies, Extracts, &c.

118. The Registrars of the Principal Registry of the Court of Probate are to have the custody of all pleadings and other documents now or hereafter to be brought in or filed, and of all entries of orders and decrees made in any matter or suit depending in the Court for Divorce and Matrimonial Causes; and all Rules and Orders, and Fees payable in respect of searches for and inspection or copies of and extracts from and attendance with books and documents in the Registry of the Court of Probate, shall extend to such pleadings or other documents brought in or filed, and all entries of orders and decrees made in the Court for Divorce and Matrimonial Causes, save that the length of copies and extracts shall in all cases be computed at the rate of seventy-two words per folio.

119. Office copies or extracts furnished from the Registry of the Court of Probate will not be collated with the originals from which the same are copied, unless specially required. Every copy so required to be examined shall be certified under the hand of one of the Principal Registrars of the Court of Probate to be an Examined Copy.

120. The seal of the Court will not be affixed to any copy which is not certified to be an examined copy.

Time fixed by these Rules.

121. The Judge Ordinary shall in every case in which a time is fixed by these Rules and Regulations for the performance of any act, or for any proceeding in default, have power to extend the same to such time and with such qualifications and restrictions and on such terms as to him may seem fit.

122. To prevent the time limited for the performance of any act, or for any proceeding in default, from expiring before application can be made to the Judge Ordinary for an extension thereof, any one of the Registrars may, upon reasonable cause being shown, extend the time, provided that such time shall in no case be extended beyond the day upon which the Judge Ordinary shall next sit in Chambers.

123. The time fixed by these Rules and Regulations for the performance of any act or for any proceeding in a cause, shall in all cases be exclusive of Sundays, Christmas Day, and Good Friday.

Protection Orders.

124. Applications on the part of a wife deserted by her husband for an order to protect her earnings and property, acquired since the commencement of such desertion, shall be made in writing to the Judge Ordinary in Chambers, and supported by affidavit. A Form of Application is given in the Appendix, No. 19.

125. Applications for the discharge of any Order made to protect the earnings and property of a wife are to be made to the Judge Ordinary by motion, and supported by affidavit. Notice of such motion, and copies of any affidavit or other document to be read or used in support thereof, must be personally served on the wife eight clear days before the motion is heard.

Bond not required.

126. On a decree of judicial separation being pronounced,

it shall not be necessary for either party to enter into a bond conditioned against marrying again.

Change of Proctor, Solicitor, or Attorney.

157. A party may obtain an order to change his or her proctor, solicitor, or attorney upon application by summons to the Judge Ordinary, or to the Registrars in his absence.

128. In case the former proctor, solicitor, or attorney neglects to file his bill of costs for taxation at the time required by the order served upon him, the party may, with the sanction and by order of the Judge Ordinary or of the Registrars, proceed in the cause by the new proctor, solicitor, or attorney, without previous payment of such costs.

Order for the immediate Examination of a Witness.

129. Application for an order for the immediate examination of a witness who is within the jurisdiction of the Court is to be made to the Judge Ordinary, or to the Registrars in his absence, by summons, or if on behalf of a Petitioner proceeding in default of appearance of the parties cited in the cause without summons before one of the Registrars, who will direct the order to issue, or refer the application to the Judge Ordinary, as he may think fit.

130. Such witness shall be examined *viva voce*, unless otherwise directed, before a person to be agreed upon by the parties in the cause, or to be nominated by the Judge Ordinary, or by the Registrar to whom the application for the order is made.

131. The parties entitled to cross-examine the witness to be examined under such an order shall have four clear days notice of the time and place appointed for the examination, unless the Judge Ordinary or the Registrars to whom the application is made for the order, shall direct a shorter notice to be given.

Commissions and Requisitions for Examination of Witnesses.

132. Application for a commission or requisition to examine witnesses who are out of the jurisdiction of the Court is to be made by summons, or if on behalf of a Petitioner, proceeding in default of appearance without summons, before one of the Registrars, who will order such commission or requisition to issue, or refer the application to the Judge Ordinary as he may think fit.

133. A commission or requisition for examination of witnesses may be addressed to any person to be nominated and agreed upon by the parties in the cause, and approved of by the Registrar, or for want of agreement to be nominated by the Registrar to whom the application is made.

134. The commission or requisition is to be drawn up and prepared by the party applying for the same, and a copy thereof shall be delivered to the parties entitled to cross-examine the witnesses to be examined thereunder two clear days before such commission or requisition shall issue, under seal of the Court, and they, or either of them, may apply to one of the Registrars by summons to alter or amend the commission or requisition, or to insert any special provision therein, and the Registrar shall make an order on such application, or refer the matter to the Judge Ordinary.—A Form of a Commission and Requisition is given in the Appendix, No. 20.

135. Any of the parties to the cause may apply to one of the Registrars by summons for leave to join in a commission or requisition, and to examine witnesses thereunder; and the Registrar to whom the application is made may direct the necessary alterations to be made in the commission or requisition for that purpose, and settle the same, or refer the application to the Judge Ordinary.

136. After the issuing of a summons to show cause why a party to the cause should not have leave to join in a commission or requisition, such commission or requisition shall not issue under seal without the direction of one of the Registrars.

137. In case a husband or wife shall apply for and obtain an order or a commission or requisition for the examination of witnesses, the wife shall be at liberty, without any special order for that purpose, to apply by summons to one of the Registrars to ascertain and report to the Court what is a sufficient sum of money to be paid or secured to the wife to cover her expenses in attending at the examination of such witnesses in pursuance of such order, or in virtue of such commission or requisition, and such sum of money shall be paid or secured before such order or such commission or requisition shall issue from the Registry, unless the Judge Ordinary or one of the Registrars in his absence shall otherwise direct.

Affidavits.

138. Every affidavit is to be drawn in the first person, and the addition and true place of abode of every deponent is to be inserted therein.

139. In every affidavit made by two or more persons, the names of the several persons making it are to be written in the jurat.

140. No affidavit will be admitted in any matter depending in the Court for Divorce and Matrimonial Causes in which any material part is written on an erasure, or in the jurat of which there is any interlineation or erasure, or in which there is any interlineation the extent of which at the time when the affidavit was sworn is not clearly shown by the initials of the Registrar, Commissioner, or other authority before whom it was sworn.

141. Where an affidavit is made by any person who is blind, or who, from his or her signature or otherwise, appears to be illiterate, the Registrar, Commissioner, or other authority before whom such affidavit is made is to state in the jurat that the affidavit was read in the presence of the party making the same, and that such party seemed perfectly to understand the same, and also made his or her mark or wrote his or her signature thereto in the presence of the Registrar, Commissioner, or other authority before whom the affidavit was made.

142. No affidavit is to be deemed sufficient which has been sworn before the party on whose behalf the same is offered, or before his or her proctor, solicitor, or attorney, or before a partner or clerk of his or her proctor, solicitor, or attorney.

143. Proctors, solicitors, and attorneys, and their clerks respectively, if acting for any other proctor, solicitor or attorney, shall be subject to the Rules and Regulations in respect of taking affidavits which are applicable to those in whose stead they are acting.

144. No affidavit can be read or used unless the proper stamps to denote the fees payable on filing the same are delivered with such affidavit.

145. Where a special time is fixed for filing affidavits, no affidavit filed after that time shall be used unless by leave of the Judge Ordinary.

146. The above Rules and Regulations in respect to affidavits shall, so far as the same are applicable, be observed in respect to affirmations and declarations to be read or used in the Court for Divorce and Matrimonial Causes.

Cases for Motion.

147. Cases for motion are to set forth the style and object of, and the names and description of the parties to, the cause or proceeding before the Court; the proceedings already had in the cause, and the dates of the same; the prayer of the party on whose behalf the motion is made, and, briefly, the circumstances on which it is founded.

148. If the cases tendered are deficient in any of the above particulars, the same shall not be received in the Registry without permission of one of the Registrars.

149. On depositing the case in the Registry, and giving notice of the motion, the affidavits in support of the motion, and all original documents referred to in such affidavits, or to be referred to by counsel on the hearing of the motion, must be also left in the Registry; or in case such affidavits or documents have been already filed or deposited in the Registry, the same must be searched for, looked up, and deposited with the proper clerk, in order to their being sent with the case to the Judge Ordinary.

150. Copies of any affidavits or documents to be read or used in support of a motion are to be delivered to the opposite parties to the suit who are entitled to be heard in opposition thereto.

Taxing Bills of Costs.

151. All bills of costs are referred to the Registrars of the Principal Registry of the Court of Probate for taxation, and may be taxed by them, without any special order for that purpose. Such bills are to be filed in the Registry.

152. Notice of the time appointed for taxation will be forwarded to the party filing the bill, at the address furnished by such party.

153. The party who has obtained an appointment to tax a bill of costs shall give the other party or parties to be heard on the taxation thereof at least one clear day's notice of such appointment, and shall, at or before the same time, deliver to him or them a copy of the bill to be taxed.

154. When an appointment has been made by a Registrar

of the Court of Probate for taxing any bill of costs, and any parties to be heard on the taxation do not attend at the time appointed, the Registrar may nevertheless proceed to tax the bill after the expiration of a quarter of an hour, upon being satisfied by affidavit that the parties not in attendance had due notice of the time appointed.

155. The bill of costs of any proctor, solicitor, or attorney will be taxed on his application as against his client, after sufficient notice given to the person or persons liable for the payment thereof, or on the application of such person or persons, after sufficient notice given to the practitioner.

156. The fees payable on the taxation of any bill of costs shall be paid by the party on whose application the bill is taxed, and shall be allowed as part of such bill; but if more than one-sixth of the amount of any bill of costs taxed as between practitioner and client is disallowed on the taxation thereof, no costs incurred in such taxation shall be allowed as part of such bill.

157. If an order for payment of costs is required, the same may be obtained by summons, on the amount of such costs being certified by the Registrar.

Wife's Costs.

158. After directions given as to the mode of hearing or trial of a cause, or in an earlier stage of a cause by order of the Judge Ordinary, or of the Registrars in his absence, to be obtained on summons, a wife who has entered an appearance may file her bill of costs for taxation as against her husband, and the Registrar to whom such bill of costs is referred for taxation shall at the same time, if directions as to the mode of hearing or trial have been given, otherwise when the same are given, ascertain and report to the Court what is a sufficient sum of money to be paid into the Registry, or what is a sufficient security to be given by the husband to cover the costs of the wife of and incidental to the hearing or trial of the cause.—A Form of Bond for securing a Wife's Costs of Hearing or Trial of a Cause is given in the Appendix, No. 21.

159. When on the hearing or trial of a cause the decision of the Judge Ordinary or the verdict of the Jury is against the wife, no costs of the wife of and incidental to such hearing or trial shall be allowed as against the husband, except such as shall be applied for, and ordered to be allowed by the Judge Ordinary, at the time of such hearing or trial.

Summonses.

160. A summons may be taken out by any person in any matter or suit depending in the Court for Divorce and Matrimonial Causes, provided there is no rule or practice requiring a different mode of proceeding.

161. The name of the cause or matter, and of the agent taking out the summons, is to be entered in the Summons Book, and a true copy of the summons is to be served on the party summoned one clear day at least before the summons is returnable, and before 7 o'clock p.m. On Saturdays the copy of the summons is to be served before 2 o'clock p.m.

162. On the day and at the hour named in the summons the party taking out the same is to present himself with the original summons at the Judge's Chambers, or elsewhere appointed for hearing the same.

163. Both parties will be heard by the Judge Ordinary, who will make such order as he may think fit, and a minute of such order will be made by one of the Registrars in the Summons Book.

164. If the party summoned do not appear after the lapse of half an hour from the time named in the summons, the party taking out the summons shall be at liberty to go before the Judge Ordinary, who will thereupon make such order as he may think fit.

165. An attendance on behalf of the party summoned for the space of half an hour, if the party taking out the summons do not during such time appear, will be deemed sufficient, and bar the party taking out the summons from the right to go before the Judge Ordinary on that occasion.

166. If a formal order is desired, the same may be had on the application of either party, and for that purpose the original summons, or the copy served on the party summoned, must be filed in the Registry. An order will thereupon be drawn up, and delivered to the person filing such summons or copy.

167. If a summons is brought to the Registry, with consent to an order endorsed thereon, signed by the party summoned, or by his proctor, solicitor, or attorney, an order will be drawn up without the necessity of going before the Judge

Ordinary: provided that the order sought is in the opinion of the Registrar one which, under the circumstances, would be made by the Judge Ordinary.

168. The same Rules and Regulations shall, so far as applicable, be observed in respect to summonses which may be heard and disposed of by the Registrars.

Payment of Money out of Court.

169. Persons applying for payment of money out of Court are to bring into the Registry a notice in writing setting forth the day on which the money applied for was paid into the Registry, the minute entered into the Court books on receiving the same, the date and particulars of the order for payment to the applicant. In case the money applied for be in payment of costs, the notice must also set forth the date of filing the bill for taxation, and of the Registrar's certificate.

170. The above notice must be deposited in the Registry two clear days at least before the money is paid out, and is, in that interval, to be examined by one of the Clerks of the Registry with the original entries in the Court books, and the bills of costs referred to in it, and certified by such Clerk to be correct.

171. When the Court is not sitting, payment of money out of Court will be made only on such day or days of the week as may be fixed by the Registrars, notice whereof will be given in the Registry.

Registries and Officers.

172. The Registry of the Court for Divorce and Matrimonial Causes, and the clerks employed therein, shall be subject to and under the controul of the Registrars of the Principal Registry of the Court of Probate.

173. The Record Keepers, the Sealer, and other officers of the Principal Registry of the Court of Probate, shall discharge the same or similar duties in the Court for Divorce and Matrimonial Causes, and in the Registry thereof, as they discharge in the Court of Probate and the Principal Registry thereof.

Proceedings under the "Legitimacy Declaration Act, 1858."

174. The above Rules and Regulations, so far as the same may be applicable, shall extend to applications and proceedings under "The Legitimacy Declaration Act, 1858."

APPENDIX.

FORMS WHICH ARE TO BE FOLLOWED AS NEARLY AS THE CIRCUMSTANCES OF EACH CASE WILL ALLOW.

No. 1.—Petition.

To the Judge Ordinary of Her Majesty's Court for Divorce and Matrimonial Causes.

The — day of — 18—.

The petition of A.B., of —, sheweth,—

1. That your Petitioner was on the — day of — 18— lawfully married to C.B., then C.D., [spinster or widow], at the Parish Church of, &c.

[Here state where the marriage took place].

2. That after his said marriage your petitioner lived and cohabited with his said wife at — and at —, and that your petitioner and his said wife have had issue of their said marriage three children; to wit:

[Here state the names and ages of the children issue of the marriage].

3. That on the — day of — 18—, and on other days between that day and —, the said C.B., at — in the county of —, committed adultery with R.S.:

4. That in and during the months of January, February, and March 18—, the said C.B., frequently visited the said R.S. at —, and on divers of such occasions committed adultery with the said R.S.

Your Petitioner therefore humbly prays,—

That your Lordship will be pleased to decree:

[Here set out the relief sought.]

And that your Petitioner may have such further and other relief in the premises as to your Lordship may seem meet.

[Petitioner's signature.]

No. 2.—Citation.

In Her Majesty's Court for Divorce and Matrimonial Causes. Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith. To C.B., of — in the County of —.

Whereas A.B., of, &c., claiming to have been lawfully married to — has filed — petition against — in our said court, praying for —, wherein — alleges that

you have been guilty of adultery [or have been guilty of cruelty towards — the said — or as the case may be]: now this is to command you, that within eight days after service hereof on you, inclusive of the day of such service you do appear in our said court then and there to make answer to the said petition, a copy whereof, sealed with the seal of our said court, is herewith served upon you. And take notice, that in default of your so doing, our said Court will proceed to hear the said charge [or charges] proved in due course of law, and to pronounce sentence therein your absence notwithstanding. And take further notice, that for the purpose aforesaid you are to attend in person, or by your proctor, solicitor, or attorney, at the Registry of our said Court in Doctors-commons, London, and there to enter an appearance in a book provided for that purpose, without which you will not be allowed to address the Court, either in person or by counsel, at any stage of the proceedings in the cause.

Dated at London the — day of — 186—, and in the — year of our Reign.

(Signed) X.Y., Registrar.

No. 3.—Præcipe for Citation.

In Her Majesty's Court for Divorce and Matrimonial Causes. Citation for A.B., of —, against C.B., of —, to appear in a suit for — by reason of —.

(Signed) A.B. in person, or C.D., proctor, solicitor, or attorney for the said A.B.

[Here insert the address required within three miles of the General Post Office.]

No. 4.—Certificate of Service.

This citation was duly signed by the under-signed G.H., on the within named C.B., of — at — on the — day of — 18—. (Signed) G.H.

No. 5.—Affidavit of Service of Citation.

In Her Majesty's Court for Divorce and Matrimonial Causes.

A.B. against C.B. and E.F.

I, C.D. of, &c. make oath and say,—

That the citation bearing date the — day of — 18—, issued under the seal of this Court against C.B., the Respondent [or Co-Respondent] in this cause and now herewith annexed, marked with the letter A, was duly served by me on the said C.B., at — in the county of, &c. by showing to him the original under seal, and by leaving with him a true copy thereof, on the — day of — 186—. And I further make oath and say that I did at the same time and place deliver to the said C.B. personally a certified copy, under seal of this Court, of the petition filed in this cause.

Sworn at, &c., on the — day of — 186—. Before me

No. 6.—Entry of an Appearance.

In Her Majesty's Court for Divorce and Matrimonial Causes.

A.B., Petitioner, against C.B., Respondent, and E.F., Co-Respondent.—The Respondent, C.B., appears in person [or C.D., the proctor, solicitor, or attorney for C.B., the Respondent (or E.F., the Co-Respondent), appears for the said Respondent or Co-Respondent].

[Here insert the address required within three miles of the General Post Office.]

Entered this — day of — 18—.

No. 7.—Answer.

In Her Majesty's Court for Divorce and Matrimonial Causes. The — day of — 18—.

A.B. v. C.D.

The Respondent, C.B., by C.D., her proctor, solicitor, or attorney [or in person], in answer to the petition filed in this cause, saith,—

1. That she denies that she committed adultery with R.S., as set forth in the said petition:

2. Respondent further saith, that on the — day of — 18—, and on other days between that day and —, the said A.B., at — in the county of —, committed adultery with K.L.

[In like manner Respondent is to state connivance, condonation, or other matters relied on as a ground for dismissing the petition.]

Wherefore this Respondent humbly prays,—

That your Lordship will be pleased to reject the prayer of the said petition, and decree &c

No. 8.—*Questions of Fact for the Jury.*

In Her Majesty's Court for Divorce and Matrimonial Causes.
A.B. against C.B. and E.F.

Questions for the Jury.

1. Whether C.B., the Respondent, committed adultery with E.F., the Co-Respondent.
2. Whether A.B., the Petitioner, has condoned the adultery committed by C.B., the Respondent (if any).
3. Whether A.B., the Petitioner, has been guilty of cruelty towards C.B., the Respondent.
[Here set forth in the same form all the questions at issue between the parties.]
4. What amount of damages should be paid by E.F., the Co-Respondent, in respect of the adultery (if any) by him committed.

No. 9.—*Act on Petition.*

In Her Majesty's Court for Divorce and Matrimonial Causes.

A.B. against C.B. and E.F.

On the — day of — 186—.

A.B., the Petitioner [or C.D., the proctor, solicitor, or attorney of A.B., the Petitioner] alleged that
[Here state briefly the facts and circumstances upon which the petition is founded].

Wherefore the said A.B., or C.D., referring to the affidavits and proofs to be by him exhibited in verification of what he so alleged, prayed that

[Here set forth the prayer of the petitioner].

(Signed) A.B. or C.D.

Answer.

In Her Majesty's Court for Divorce and Matrimonial Causes.

A.B. against C.B. and E.F.

On the — day of — 186—.

C.B., the Respondent [or G.H., the proctor, solicitor, or attorney of C.B., the Respondent] in answer to the allegations in the acts on petition, bearing date the — day of — 186— of A.B., admitted [or denied] that

[Here set forth any allegations admitted or denied.]

And he alleged that

[Here state any facts or circumstances in explanation or in answer.]

Wherefore the said C.B., or G.H., referring to the affidavits and proofs to be by her exhibited in verification of what she so alleged prayed,

[Here state the prayer of Respondent.]

(Signed) C.B. or G.H.

Conclusion.

A.B. against C.B. and E.F.

On the — day of — 186—.

A.B., the Petitioner [or C.D., the proctor, solicitor, or attorney for A.B., the Petitioner] in reply to the allegations of C.B. [or G.H.] in her answer, bearing date — denied the same in great part to be true or relevant. Wherefore he alleged and prayed as before

(Signed) A.B. or C.D.

No. 10.—*Petition for Reversal of Decree.*

To the Judge Ordinary of Her Majesty's Court for Divorce and Matrimonial Causes.

The — day of — 18—.

The petition of A.B., of —, sheweth,—

1. That your Petitioner was on the — day of — 18—, lawfully married to C.B., then C.D. Spinster [or Widow] at the Parish of, &c.

[Here state where the marriage took place.]

2. That on the — day of — your Lordship, by your final decree, pronounced in a cause then depending in this Court, entitled C.B. against A.B., decreed as follows; to wit:

[Here set out the decree.]

3. That the aforesaid decree was obtained in the absence of your Petitioner, who was then residing at —.

[State facts tending to show that the Petitioner did not know of the proceedings; and, further that had he known of them he might have offered them a sufficient defence.]

or,

That there was reasonable ground for your petitioner leaving his said wife, for that his said wife [Here state any legal grounds justifying the Petitioner's separation from his wife].

Your Petitioner therefore humbly prays,—

That your Lordship will be pleased to reverse the said decree.

No. 11.—*Appeal.*

I, A.B., the Petitioner [or C.D. the proctor, solicitor, or attorney of A.B. the Petitioner], in a suit lately depending in Her Majesty's Court for Divorce and Matrimonial Causes, entitled A.B. against C.D. and E.F., do hereby, in due time and place, complain of and appeal against a certain order or decree made in the said cause by the Right Honourable the Judge Ordinary of the said Court on the — day of — 186—. Whereby, amongst other things, the said Judge Ordinary did order and decree [here set forth the whole of the decree, or such part of it as may be appealed against].

(Signed)

A.B. or C.D.

This instrument of appeal was lodged in the Registry of Her Majesty's Court for Divorce and Matrimonial Causes this — day of — 186—.

To be signed by a clerk in the Registry.

No. 12.—*Affidavit in support of the Motion for Decree absolute.*

In her Majesty's Court for Divorce and Matrimonial Causes.

A.B. against C.B. and E.F.

I, C.D., of &c, solicitor for A.B., the Petitioner in this cause, make oath and say, that on the — day of — 186—, I carefully searched the books kept in the Registry of this court for the purpose of entering appearances, from and including the — day of — 186—, the day of the date of the decree nisi made in this cause, to the — day of — 186—, and that during such period no appearance has been entered in the said books by Her Majesty's Procurator-General, or by or on behalf of any other person or persons whomsoever. And I further make oath and say, that I have also carefully searched the books kept in the said Registry for entering the minutes of proceedings had in this cause from and including the said — day of — 186— to the — day of — 186—, and that no leave has been obtained by Her Majesty's Procurator-General, or by any other person or persons whomsoever to intervene in this cause, and that no affidavit or affidavits, instruments, or other documents whatsoever, have been filed in this cause by Her Majesty's Procurator-General, or any other persons whomsoever during such period, or at any other period during the dependence of this cause, in opposition to the said decree nisi being made absolute. Sworn at, &c., on the — day of — 186—. Before me

No. 13.—*Petition for Alimony.*

To the Judge Ordinary of Her Majesty's Court for Divorce and Matrimonial Causes.

A.B. against C.B. and E.F.

The — day of — 18—.

The petition of C.B., the lawful wife of A.B., sheweth,—
1. That the said A.B. does now carry on, and has for many years past carried on, the business of a — at —, and from such business he derives the net annual income of £—:

2. That the said A.B. is now, or lately was, possessed of or entitled to — proprietary shares of the — Railway Company, amounting in value to £—, and yielding a clear annual dividend of £—:

3. That the said A.B. is possessed of certain stock in trade in his said business of a — of the value of £—.

[In same manner state particulars of any other property which the husband may possess.]

Your Petitioner therefore humbly prays,—

That your Lordship will be pleased to decree her such sum or sums of money by way of alimony pendente lite [or permanent alimony] as to your Lordship shall seem meet.

No. 14.—*Election of a Guardian.*

By a Petitioner.

Whereas a suit is about to be instituted in Her Majesty's Court for Divorce and Matrimonial Causes on behalf of A.B. against C.B., the wife of the said A.B. and E.F. And whereas the said A.B. is now a minor of the age of — years and upwards, but under the age of twenty-one years, and therefore by law incapable of acting in his own name.

Now I, the said A.B., do hereby make choice and elect G.H., my natural and lawful father and next of kin, to be my curator or guardian for the purpose of instituting the said suit, and for the purpose of carrying on and prosecut-

ing the same until a final decree shall be given and pronounced therein, or until I shall attain the age of twenty-one years, and I hereby appoint C.D., of, &c., my proctor [solicitor or attorney] to file or cause to be filed this my election for me in the Registry of the said Court.

In witness whereof I have hereunto set my hand and seal this — day of — in the year 186—.

(Signed) A.B.
Signed, sealed, and delivered by the within named A.B., in the presence of

One attesting witness.

By a Respondent.

Whereas a citation bearing date the — day of — 186—, has issued under seal of Her Majesty's Court for Divorce and Matrimonial Causes, at the instance of A.B., claiming to have been lawfully married to C.B., citing the said C.B. to appear in the said court, and then and there to make answer to a certain petition of the said A.B., filed in the said court. And whereas the said C.B. is now a minor of the age of — years and upwards, but under the age of twenty-one years, and therefore by law incapable of acting in her own name.

Now I the said C.B. do hereby make choice of and elect G.H., my natural and lawful father and next of kin, to be my curator or guardian for the purpose of entering an appearance for me and on my behalf in the said court, and for the purpose of making answer for me to the said petition, and of defending me in the said cause, and to abide for me in judgment until a final decree shall be given and pronounced therein, or until I shall attain the age of twenty-one years, and I hereby appoint, &c.

No. 15.—*Subpœna ad testificandum.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to [names of all witnesses included in the subpoena to be inserted], greeting. We command you and every of you to be and appear in your proper persons before [insert the name of the judge], Judge Ordinary of our Court for Divorce and Matrimonial Causes, at Westminster, in our county of Middlesex, on — the — day of — 18—, by eleven of the clock in the forenoon of the same day, and so from day to day until the cause or proceeding is heard, to testify the truth, according to your knowledge, in a certain cause now in our said court before our said Judge Ordinary depending between A.B., Petitioner, and C.B., Respondent, and E.F., Co-Respondent, on the part of the Petitioner or Respondent, or Co-Respondent [or, as the case may be], and on the aforesaid day between the parties aforesaid to be heard. And this you or any of you shall by no means omit, under the penalty of each of you of £100. Witness [insert the name of the judge], at the Court for Divorce and Matrimonial Causes, the — day of — 18— in the — year of our reign.

(Signed) X.Y., Registrar.

No. 16.—*Prœcipe for Subpœna ad testificandum.*

In Her Majesty's Court for Divorce and Matrimonial Causes.

Subpœna for [insert witnesses' names], to testify between A.B., Petitioner, C.B., Respondent, and E.F., Co-Respondent, on the part of the Petitioner [or Respondent or Co-Respondent].

(Signed) A.B., C.B., E.F., or
P.A., Petitioner's [or Respondent's or Co-Respondent's] proctor, solicitor, or attorney.

No. 17.—*Subpœna duces tecum.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to [names of all parties included in the subpoena to be inserted], greeting. We command you and every of you to be and appear in your proper persons before [insert the name of the judge], Judge Ordinary of our Court for Divorce and Matrimonial Causes at Westminster, in Our county of Middlesex, on — the — day of — 18—, by eleven of the clock in the forenoon of the same day, and so from day to day until the cause or proceeding is heard, and also that you bring with you, and produce at the time and place aforesaid [here describe shortly the deeds, letters, papers, &c., required to be produced], then and there to testify and show all and singular those things which you or either of you know, or the said deed or instrument

doth import, of and concerning a certain proceeding now in our said Court before our said Judge Ordinary, depending between A.B., Petitioner, and C.B., Respondent, and E.F., Co-Respondent, on the part of the petitioner [or the Respondent or Co-Respondent, as the case may be], and on the aforesaid day between the parties aforesaid to be heard. And this you or any of you shall by no means omit, under the penalty of each of you of £100. Witness [insert the name of the judge], at our Court for Divorce and Matrimonial Causes, the — day of — 18—, in the — year of our reign.

(Signed) X.Y., Registrar.

No. 18.—*Prœcipe for Subpœna duces tecum.*

In Her Majesty's Court for Divorce and Matrimonial Causes.

Subpœna for — to testify and produce, &c., between A.B., Petitioner, C.B., Respondent, and E.F., Co-Respondent, on the part of the Petitioner [or Respondent or Co-Respondent].

(Signed) A.B., C.B., E.F., or
P.A., Petitioner's [or Respondent's or Co-Respondent's] proctor, solicitor, or attorney.

No. 19.—*Application for a Protection Order.*

To the Judge Ordinary of the Court for Divorce and Matrimonial Causes.

The application of C.B., of —, the lawful wife of A.B., sheweth,—

That on the — day of — she was lawfully married to A.B. at —; That she lived and cohabited with the said A.B. for — years at —, and also at —, and hath had — children, issue of her said marriage, of whom — are now living with the applicant, and wholly dependent upon her earnings:

That on or about — the said A.B., without any reasonable cause, deserted the applicant, and hath ever since remained separate and apart from her:

That since the desertion of her said husband the applicant hath maintained herself by her own industry, and hath thereby and otherwise acquired certain property [or hath become possessed of certain property], consisting of [here state generally the nature of the property].

Wherefore the said C.B. prays an Order for the protection of her earnings and property acquired since the said — day of —, from the said A.B., and from all creditors and persons claiming under him.

(Signed) C.B.

No. 20.—*Commission or Requisition for Examination of Witnesses.*

In her Majesty's Court for Divorce and Matrimonial Causes.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to [here set forth the name and proper description of the Commissioner], greeting. Whereas a certain cause is now depending in our Court for Divorce and Matrimonial Causes between A.B., Petitioner, and C.B., Respondent, and E.F., Co-Respondent, wherein the said A.B. has filed his petition praying for a dissolution of his marriage with the said C.B. [or otherwise as in the prayer of the petition]. And whereas by an order made in the said cause on the — day of — 186— on the application of the said A.B. it was ordered that a Commission [or Requisition] should issue under Seal of our said Court for the examination of [here insert name and address of one of the persons to be examined] and others as witnesses to be produced on the part of the said A.B., the Petitioner, in support of the said petition (saving all just exception). Now know ye that we do by virtue of this Commission [or Requisition] to you directed, authorise [or request] you within thirty days after the receipt of this Commission [or Requisition] at a certain time and place to be by you appointed for that purpose with power of adjournment to such other time and place as to you shall seem convenient to cause the said witnesses to come before you and to administer to the said witnesses respectively an oath truly to answer such questions as shall be put to them by you touching the matters set forth in the said petition (a true and authentic copy whereof sealed with the seal of our said Court is hereunto annexed) and such oath being administered we do hereby authorise [or request] and empower you to take the examination of the said witnesses, touching the matters set forth in the said petition, and to reduce the said examination or cause

the same to be reduced into writing. And that for the purpose aforesaid you do assume to yourself some notary public or other lawful scribe as and for your actuary in that behalf if to you it should seem meet and convenient so to do. And the said examination being so taken and reduced into writing as aforesaid and subscribed by you, we do require [or request] you forthwith to transmit the said examination, closely sealed up, to the Registry of our said court in Doctors'-commons, in the city of London, together with these presents. And we do hereby give you full power and authority to do all such acts, matters, and things as may be necessary, lawful, and expedient for the due execution of this our commission [or requisition].

Dated at London the — day —, in the year of our Lord one thousand eight hundred and —, and in the — year of our reign.

(Signed) X.Y., Registrar.

No. 21.—Bond for securing Wife's Costs.

Know all men by these presents that we, A.B. of, &c., G.H. of, &c., and K.L. of, &c., are held and firmly bound unto X.Y., one of the Registrars of the principal Registry of her Majesty's Court of Probate, in the penal sum of — pounds of good and lawful money of Great Britain, to be paid to the said X.Y., and for which payment to be well and truly made we bind ourselves and each of us for the whole, our heirs, executors, or administrators firmly by these presents. Sealed with our seals.

Dated the — day of —, in the year of our Lord 186—.

Whereas a certain cause is now depending in her Majesty's Court for Divorce and Matrimonial Causes between A.B., Petitioner of the one part, and C.B., Respondent, and E.F., Co-Respondent, of the other part. And Whereas X.Y., one of the Registrars of Her Majesty's Court of Probate, has by a Report under his hand, made in the said cause on the — day of — 186—, reported to the Court that — pounds was a sufficient sum to be paid into the Registry of the Court of Probate to cover the costs of the Respondent [or Petitioner] of and incidental to the hearing of the said cause [or otherwise as in the Registrar's Report], or that a bond under the hand and seal of the said A.B., and of two sufficient sureties in the penal sum of — pounds, conditioned for the payment of such costs of the said C.B. as shall be certified to be due and payable by the said A.B., not exceeding the said sum of — pounds [or otherwise as in report], with — hours notice of such sureties to the proctor [solicitor or attorney] of the said C.B. was a sufficient security for the costs aforesaid. Now the condition of this obligation is such that if the above-bounden A.B., his heirs, executors, or administrators shall well and truly pay or cause to be paid to the above-named X.Y., his heirs, executors, administrators, or assigns the full sum of — of good and lawful money of Great Britain, or the lawful costs of the said C.B., the Respondent [or Petitioner] of and incidental to the hearing and trial of this cause [or otherwise as in report] to the extent of — pounds, then this obligation is to be void and of none effect, otherwise to remain in full force and virtue.

Sealed and delivered by the said A.B.
A.B., G.H. and K.L., in the presence of G.H.
K.L.

PUBLIC COMPANIES.

ENGLISH FUNDS AND RAILWAY STOCK.

LAST QUOTATION, January 4, 1866.

[From the Official List of the actual business transacted.]

GOVERNMENT FUNDS.

3 per Cent. Consols, 87½	Annuities, April, '85, —12—11—16
Do for Account, Jan 9—87½	Do (Red Sea T.) Aug. 1908 —
3 per Cent. Reduced, 87	Ex Bills, £1000, 3 per Ct. 2 dis
New 3 per Cent., 87	Do, £500, Do, dis
Do, 3½ per Cent., Jan. '94 —	Do, £100 & £200, Do, 6 dis
Do, 2½ per Cent., Jan. '94 —	Bank of England Stock, 5½ per
Do, 5 per Cent., Jan. '73 —	Ct. (last half-year)
Annuities, Jan. '80 —	Do for Account, —

INDIAN GOVERNMENT SECURITIES.

India Stock, 10½ p Ct. Apr. '74 —	Ind. Enf. Fr., 4 p Ct., Jan. '73, 102½
Do for Account, —	Do, 5½ per Cent., May, '79, —
Do 5 per Cent., July, '70, 102½	Do Debentures, per Cent.,
Do for Account, —	April, '61 —
Do 4 per Cent., Oct. '88	Do, Do, 5 per Cent., Aug. '66, —
Do, do, Certificates, —	Do Bonds, 4 per Ct. £1000, — pm
Do Reduced Ppr., 4 per Cent. —	Do, ditto, under £1000, 19 pm

RAILWAY STOCK.

Shares.	Railways.	Paid.	Closing Prices.
Stock	Bristol and Exeter	100	95
Stock	Caledonian	100	129
Stock	Glasgow and South-Western	100	114
Stock	Great Eastern Ordinary Stock	100	42½
Stock	Do., East Anglian Stock, No. 2	100	8½
Stock	Great Northern	100	127½
Stock	Do., A Stock	100	144½
Stock	Great Southern and Western of Ireland	100	94
Stock	Great Western—Original	100	50½
Stock	Do., West Midland—Oxford	100	46
Stock	Do., do.—Newport	100	37
Stock	Do., do.—Hereford	100	104
Stock	Lancashire and Yorkshire	100	122½
Stock	London and Blackwall	100	92
Stock	London, Brighton, and South Coast	100	104
Stock	London, Chatham, and Dover	100	39
Stock	London and North-Western	100	129½
Stock	London and South-Western	100	99½
Stock	Manchester, Sheffield, and Lincoln	100	63½
Stock	Metropolitan	100	133
10	Do., New	£4:10	3½ pm
Stock	Midland	100	123
Stock	Do., Birmingham and Derby	100	94
Stock	North British	100	59
Stock	North London	100	128
10	Do., 1864	5	7½
Stock	North Staffordshire	100	77
Stock	Scottish Central	100	130
Stock	South Devon	100	57
Stock	South-Eastern	100	74½
Stock	Taff Vale	100	150
10	Do., C	3	4 pm
Stock	Vale of Neath	100	104
Stock	West Cornwall	100	51

* A receives no dividend until 6 per cent. has been paid to B.

MONEY MARKET AND CITY INTELLIGENCE.

The opponents of the Bank Act of 1844 are now referring with an air of triumph to its disastrous working in a period of peace and prosperity. The Bank directors at their weekly court on Thursday raised the rate of discount from 7 per cent., at which it was fixed on the preceding Thursday, to 8 per cent. The Bank of France initiated this precedent, and have raised their rate from 4 to 5 per cent. There is still, however, the old difference of 3 per cent. between the rates of both countries, and as this difference has already doubtless attracted most of the loanable capital likely to be sent here, it is not likely that our 8 per cent. rate will bring us much further supplies from France. The returns of the Bank of England showed a decrease during the week of £296,919 in the coin and bullion, but the reserve diminished by no less an amount than £1,611,519, which was mainly owing to the increased demand for money as denoted by the increase of £2,224,373 in the Bank's advances on private securities.

The private deposits, however, increased by £1,492,020; so that the demand for money appears to be attributable, not to panic or fear of panic, but to excessive precaution, and also to the fact that numerous mercantile engagements may be presumed to be maturing the first week of the new year. The notes in circulation have also increased by £1,314,400, owing, doubtless, to the greater number of purchases made at this festive period. Now we altogether concur with that portion of the daily press which considers that the Bank Act is empirical in putting the same screw on the Bank in cases of an internal as of a foreign drain. On the whole, the Bank directors appear to have acted with an unnecessary degree of precaution in introducing us to an 8 per cent. rate of discount.

The discount market is, nevertheless, quiet, and well supplied with money; but on account of the general feeling of uneasiness caused by the Bank action, there is no disposition to take even the best bills at a less rate than 8 per cent. The general rate being thus equal to the bank rate, a good demand is experienced there. For six months' bank bills the charge in Lombard-street has been 8 per cent., and for six months' trade bills, 9 per cent.

In the Stock Exchange the supply of money has been good, and, apparently, unaffected by the increase in the Bank's rate of discount. Money could be had on the Stock Exchange for short periods at 5 per cent.

The discount establishments have raised their terms for money "at call" from 5 to 5½ per cent.; at seven days' notice, from 5½ to 6½; and at fourteen days' notice from 6 to 7 per cent. Most of the joint-stock banks allow 5½ per cent. for deposits, instead of 5.

Consols and home railways, and, in short, almost all descriptions of public securities, have fallen in consequence of the increase of the Bank's rate of discount. Consols were ½ per cent. lower on Thursday than on the Wednesday preceding.

A letter has appeared in the public press from Mr. Delane, the chief editor of the *Times*, addressed to J. C. Johnstone, Esq., we presume the editor of the *New York Tribune*, denying all connection with the Confederate Loan. Few, indeed, but the most innocent portion of the public ever suspected for a moment that

Mr. Delane could have taken the shares in the Confederate Loan attributed to him in the apocryphal list which appeared here last September.

LAW REPORTING.—This question of "authority" is most important, as affecting both old and modern reports. In former times the reports derived their authority from the formal licence of the judges or the rank and reputation of the reporters. They were not issued in any chronological order, and were often posthumous publications. This system came to an end about the year 1786, when Messrs. Durnford and East published their "Term Reports." In the preface to their first volume these gentlemen state that the primary object of the publication is "to remedy the inconvenience felt by every part of the profession, of waiting two or three years till some gentleman of experience and ability has collected matter sufficient to form a complete volume." From that time reports have been issued periodically, though sometimes at irregular intervals. These publications have received judicial sanction, as far as such sanction could be conferred. The judges have invariably handed their written judgments to the reporters, and have sometimes corrected the notes of those orally delivered.

The demand for reports increased, but the supply has kept pace with it, nor, indeed, is there any reason why the principles of free trade and open competition should not apply to law-reporting as to other pursuits and professions. The proprietors of the *Law Journal*, the *Jurist*, the *Law Times*, and the *Weekly Reporter* have supplied the profession periodically with accurate reports, at a very moderate cost. Such publications must, of course, stand on their own merits, and of these the legal world must judge. It is sufficient to state that the reporters are barristers of acknowledged ability. Whilst complaining of the "multiplicity of reports," another series will soon be launched by a law reporting council, who wish it to be understood that their undertaking is based upon "a fair regard to existing interests." With some inconsistency, they at the same time propose the destruction of all existing reports, as the only condition of their complete success.

Readily conceding that the publication of reports of unquestioned and unquestionable authority would be an inestimable advantage to the public and the profession, we cannot think that this object is made any nearer of attainment by the new law-reporting scheme. The "Law Reports" have in reality no official character, nor will they, we apprehend, be much better or worse than those already in the field. The evils complained of, meanwhile, will remain uncorrected. Private enterprise will not yield to the fiat of a council; and the old reporters refuse in indignant language to be extinguished or "annihilated." How it will end we know not, and we cannot but regret that so little regard should have been paid to private interests without the attainment of any corresponding public advantage.—*The Reader.*

RESTITUTION.—An advocate of Colmar lately left a legacy of \$4,000 to the lunatic asylum of that town. "I earned this money," his will states, "by the patronage of those who go to law; my present gift is but a restitution."

Mr. Graves, of Pall Mall, is trying to obtain an Act of Parliament with the view of assimilating the English law to that of France, for the protection of copyright in prints and engravings.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

ADCOCK—On Dec. 21, the wife of Frederick P. Adcock, Esq., Solicitor, Cambridge, of a son.

BARBER—On Jan. 2, at Notting-hill, the wife of William Barber, Esq., Barrister-at-Law, Lincoln's-inn, of twin daughters.

MARRIAGES.

HOTHERSALL BULLOCK—On Dec. 26, at St. Mary's, Clitheroe, Thomas Hotherhall, Esq., Solicitor, Clitheroe, to Isabella, daughter of H. Bullock, Chemist, Clitheroe.

HUNT—WAUGH—On Dec. 28, at Christ Church, Lancaster gate, William H. Hunt, Esq., of Campden-hill, to Fanny, daughter of George Waugh, Esq., Solicitor, of Queensborough-terrace, Kensington gardens.

MOXON—PONTET—On Dec. 27, at Christ Church, Clapham, John, son of the late Henry Moxon, Esq., Solicitor, Temple, to Mary, daughter of the late F. C. Pontet, Esq., of Cambridge-terrace, Clapham-road.

TUCKER—SHAPLAND—On Dec. 28, at South Molton, William A'lin, son of George Tucker, Esq., High Sheriff of the city of Exeter, to Eve Charlotte Charity, daughter of John Terrell Shapland, Esq., Solicitor, South Molton.

WILLIAMS—LEMAN—On Dec. 28, at Christ Church, Albany-street, Frederick G. A. Williams, Esq., Barrister-at-Law, Inner Temple, and Lincoln's-inn, to Mary K., daughter of J. Leman, Esq., of Lincoln's-inn-fields.

DEATHS.

BLANDFORD—On Dec. 26, at Chiswick, Mary A. B., daughter of the late Joseph Blandford, Esq., of the Inner Temple.

DIXON—On Dec. 31, at Chester, Lavinia, the wife of James Dixon, Esq., and daughter of the late George Roberts, Esq., 30 Helitor, Chester.

NEWBOLD—On Dec. 29, at Southsea, Mary A., daughter of the late Sir J. Newbold, formerly Chief Justice of Madras.

ORRIDGE—On Dec. 28, at Gloucester-road, Regent's-park, Robert Orridge, Esq., Barrister-at-Law, Middle Temple, aged 41.

PINCOTT—On Dec. 31, at Chapstow-village West, Bayswater, Elizabeth, wife of Thomas Pincott, Esq., Solicitor, late of Essex-court, Temple.

PORVIS—On Dec. 27, at Streatham, Letitia, daughter of the late Jas. Porvis, Esq., of Lincoln's-inn, aged 85.

SMYTH—On Dec. 31, at Wilton-street, Grosvenor-place, the Hon. Mrs. Boland, wife of Major General John R. Smyth, C.B. and daughter of the late Lord Tenterden, Chief Justice of the King's Bench.

STALLARD—On Dec. 29, at Blackheath, Frederick D., son of Frederick Stallard, Esq., Barrister-at-Law, aged 10.

WRIGHT—On Dec. 27, George A. Wright, Esq., Barrister-at-Law, of the Middle Temple.

LONDON GAZETTES.

Winding-up of Joint Stock Companies.

FRIDAY, Dec. 29, 1865.

LIMITED IN CHANCERY.

Bethell's Patent Coke Company (Limited).—Order to wind-up, made by Vice-Chancellor Wood, Dec. 18. Southgate, King's Bench-walk, Temple, solicitor for the petitioners.

Commercial Union Wine Company (Limited).—Order to wind-up, made by the Master of the Rolls, Dec. 22. Linklater & Hackwood, solicitors for the petitioner.

United Merthyr Collieries Company (Limited).—Petition to wind-up, presented Dec. 11, directed to be heard before the Master of the Rolls on Jan. 13. Tucker, St Swithin's-lane, solicitor for the petitioner.

Llantwit Vardre Colliery Company (Limited).—Creditors are required, on or before Feb. 1, to send their names and addresses, and the particulars of their debts or claims, to Holland Dell, 10, Liverpool-st, New Broad-st. Tuesday, Feb. 20 at 2, is appointed for hearing and adjudicating upon the debts and claims.

TUESDAY, Jan. 2, 1866.

LIMITED IN CHANCERY.

Rossa Grande Gold Mining Company (Limited).—Petition for winding-up, presented Dec. 20, directed to be heard before the Master of the Rolls, Jan. 13. Tucker, St Swithin's-lane, solicitor for the petitioners.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, Jan. 2, 1866.

Cooke, Joseph, Much Birch, Hereford, Gent. Feb. 10. Greenhow & Price, M. R.

Everitt, Martha, Sutherland-crescent, St John's-wood, Spinster. Jan. 22. Robins & Everitt, M. R.

Newman, Hy Wenman, Cheltenham, Gloucester, Esq. Jan. 23. Anstey & Newman, M. R.

Pattison, James, Heworth, Durham, Farmer. Jan. 20. Wilson & Pattison, V. C. Wood.

Pope, Thos, Kenilworth, Warwick, Comb Maker. Feb. 2. Butler & Payton, M. R.

Reid, Wm, Conduit-st, Hanover-sq, Linendraper. Jan. 31. Allen & Reid, V. C. Stuart.

Creditors under 22 & 23 Viet. cap. 35.

Last Day of Claim.

FRIDAY, Dec. 29, 1865.

Archer, Wilson, Little Broughton, Camberland, Farmer. Feb. 12. Hayton, Cockermouth.

Cross, Joseph, Holborn, Printer. Feb. 8. Smith & Son, Farnival's-inn, Holborn.

Dixon, Hy, Kingston-upon-Hull, Gent. Feb. 1. Shepherd & Co, Beverley.

Hancocks, John Wm, Bosbury, Hereford, Wheelwright. Jan. 18. Masefield & Sons.

Jones, Brooke, Faversham, Kent, Gent. Feb. 1. Duncan & Martin, Southampton-st, B'omsbury.

Leaf, Edwd, Staveley, York, Gent. March 1. Gill, Knareborough.

Lloyd, John, Birm, Gent. Feb. 1. Danks, Birm.

Roberson, Jas, Colchester, Essex, Currier. Feb. 1. Marshall & Roberts, Leadenhall-st.

Rowson, Wm, Ashton-on-Mersey, Chester, Warehouseman. Feb. 3. Nutall, Manch.

Sykes, Hy Reginald, Beaconsfield, Bucks, Esq. May 24. Meyrick & Co, Storey's-gate, Westminster.

Wilkins, Thos, Dunchurch, Warwick, Gent. Feb. 10. Benn, Rugby.

Young, Thos Sutton, Lpool, Wine Merchant. March 31. Foster, Lpool.

TUESDAY, Jan. 2, 1866.

Booth, Hy, Stockport, Chester, Shopkeeper. Jan. 25. Ashton, Stockport.

Brereton, Lieut-Gen Sir Wm, K.H., K.C.B., Albany, Piccadilly. Feb. 3. Eve, Aldershot.

Bunce, Martha, Scarsdale-ter, Kensington, Spinster. Feb. 1. Shephard, Moorgate-st.

Burton, Francis Augustus Plunkett, Grosvenor-sq, Colonel. March 31. Wilde & Markby, New-sq, Lincoln's-inn.

Jones, Edwd Hy, Mark-lake, Wine Merchant. Feb. 23. Dawes & Sons, Angel-st, Throgmorton-st.

Lockes, Edwd Fredk, Warwick-sq, Pimlico, Solicitor. Feb. 12. Redpath & Holdsworth, Suffolk-lane.

Rodgers, Francis, Almondbury, York, Innkeeper. March 1. Dattye, Huddersfield.

Swan, Robt, Rothbury, Northumberland, Gent. Feb. 1. Busby, Alnwick.

Tegart, Edwd, Esq, Onslow-crescent, South Kensington. March 1. Slaughter & Cullington, Mansfield-st, Portland-pl.

Assignments for Benefit of Creditors.

TUESDAY, Jan. 2, 1866.

Roberts, Wm Carden, Aldershot, Southampton, Licensed Victualler. Nov 29. Eve, Aldershot.

Deeds registered pursuant to Bankruptcy Act, 1861.

FRIDAY, Dec. 29, 1865.

Ainsworth, Jas, Lpool, Builder. Dec 1. Comp. Reg Dec 27.
Allwright, Thos, Lamb's Conduit-st, Cheesemonger. Dec 1. Comp. Reg Dec 28.
Bech, Hy, Newcastle-under-Lyme, Stafford, Gardener. Dec 13. Comp. Reg Dec 26.
Burt, Albert, Weymouth, Dorset, Draper. Dec 7. Comp. Reg Dec 28.
Close, John Theophilus, Stoke-upon-Trent, Stafford, Potter. Dec 7. Inspectorship. Reg Dec 29.
Dawson, Robt, Burnley, Lancaster, Tobacco-nist. Dec 6. Comp. Reg Dec 29.
Depper, Hy, Kidderminster, Worcester, Grocer. Dec 1. Asst. Reg Dec 28.
Dunman, John, Barton St David, Somerset, Miller. Dec 1. Asst. Reg Dec 28.
Dugan, Robt Poynter, & Geo Dugan, Portsmouth, Southampton, Drapers. Nov 28. Asst. Reg Dec 26.
Evans, Robt, Wolverhampton, Stafford, Haberdasher. Dec 21. Comp. Reg Dec 29.
Gordon, Hy, Wrexham, Denbigh, Draper. Nov 30. Asst. Reg Dec 26.
Goulstone, Chas, Llanwanno, Glamorgan, Grocer. Dec 1. Comp. Reg Dec 29.
Grant, Lanchlan, Bristol, Draper. Dec 9. Asst. Reg Dec 27.
Hallywell, John, Southport, Lancaster, Licensed Victualler. Dec 5. Asst. Reg Dec 29.
Heeketh, Thos, Neath Glamorgan, Baker. Dec 5. Asst. Reg Dec 28.
Hodges, Alfred Stanhope, Glastonbury, Somerset, Chemist. Dec 9. Comp. Reg Dec 27.
Holmes, Richd, Leeds, Innkeeper. Dec 15. Comp. Reg Dec 27.
Holt, Chas Herbert, Huddersfield, York, Engineer. Dec 22. Asst. Reg Dec 27.
Jacobs, Danl, Portsmouth, Southampton, Blacksmith. Dec 18. Asst. Reg Dec 29.
Luton, John Tucker, Winterbourne, Gloucester, Innkeeper. Nov 28. Asst. Reg Dec 26.
Mitchelson, Geo, Lpool, Bookseller. Dec 25. Asst. Reg Dec 29.
Morris, Hy, Woolwich, Kent, Baker. Dec 11. Comp. Reg Dec 27.
Nicholls, John, Newport, Monmouth, Grocer. Nov 30. Asst. Reg Dec 26.
Notting, Geo, Foston, Hants, Builder. Dec 5. Asst. Reg Dec 29.
Owens, Thos, Lpool, Cart Owner. Dec 21. Comp. Reg Dec 29.
Pady, Mark, Bristol, Carpenter. Dec 22. Comp. Reg Dec 28.
Pearson, John, Lpool, Grocer. Nov 29. Asst. Reg Dec 27.
Pickett, Geo, Horsham, Sussex, Ironmonger. Dec 5. Comp. Reg Dec 28.
Pollard, Chas, New Exchange-st, Strand, Licensed Victualler. Dec 13. Comp. Reg Dec 29.
Pulling, John, Southampton-st, Strand, Tailor. Dec 2. Asst. Reg Dec 29.
Royle, Saml, Manch, Boarding-house Keeper. Nov 25. Asst. Reg Dec 28.
Scholes, Geo Barlow, Southport, Lancaster, Gent. Dec 15. Asst. Reg Dec 28.
Sims, Richd, Mornington-crescent, Esq. Dec 16. Comp. Reg Dec 27.
Townend, Geo, Bradford, York, Staff Manufacturer. Dec 1. Asst. Reg Dec 28.
Tunstall, Jas, Jun, Gt Fenton, Stafford, Builder. Dec 5. Comp. Reg Dec 29.
Tyndall, Wm, Lpool, Gent. Nov 30. Comp. Reg Dec 28.

TUESDAY, Jan. 2, 1866.

Barnes, Wm, Sheffield, Bedford, Potato Merchant. Dec 8. Comp. Reg Jan 1.
Bennet, Thos David, Southsea, Hants, Dentist. Dec 2. Conv. Reg Dec 30.
Benning, Wm Granger, Albert-rd, St John's-vill, Upper Holloway, out of business. Dec 23. Asst. Reg Jan 1.
Flint, John Peter, Sheffield, Plumber. Dec 23. Asst. Reg Jan 1.
Gibson, Francis, Sunderland, Durham, Grocer. Dec 27. Comp. Reg Jan 2.
Goulden, Saml, Pendleton, Lancaster, Grocer. Dec 13. Asst. Reg Jan 1.
Greening, Geo Shuttleworth Pierson, & Fredk Stevenson, Sheffield, Steel Manufacturers. Dec 2. Asst. Reg Dec 30.
Harwood, Edmd, & Thos Harwood, Over Darwen, Lancaster, Cotton Manufacturers. Dec 27. Asst. Reg Jan 1.
Humphreys, Thos, Wombidge, Salop, no occupation. Dec 19. Comp. Reg Jan 2.
Jones, Wm, Oldham, Lancaster, Grocer. Dec 15. Asst. Reg Dec 29.
Jones, Wm David, Aberavon, Glamorgan, Draper. Dec 13. Comp. Reg Dec 30.
Knight, Wm Frns, Overton, Southampton, Farmer. Dec 5. Asst. Reg Jan 1.
Lawson, Margaret, Newcastle-upon-Tyne, Licensed Victualler. Dec 1. Asst. Reg Dec 29.
Lincoln, John Andrews, & Fisher Hulse Goude, Leicester, Boot Manufacturers. Dec 21. Comp. Reg Jan 2.
Moorhouse, Geo, Burnley, Lancaster, Manufacturer. Dec 5. Asst. Reg Jan 2.
North, Geo, and Jas North, Leeds, Cloth Millers. Dec 23. Comp. Reg Dec 30.
Pallet, Jas, Birm. Attorney. Dec 21. Comp. Reg Dec 30.
Polmore, John, Jun, Birm, Grocer. Dec 11. Comp. Reg Jan 2.
Prior, Edwd, Dartmouth, Devon, Attorney-at-Law. Dec 9. Asst. Reg Dec 29.
Radcliffe, Thos, Leamington, Warwick, Kitchen Range Manufacturer. Dec 2. Comp. Reg Dec 29.

Rigby, Wm, Runcorn, Chester, Shipbroker. Dec 23. Conv. Reg Jan 2.
Rollason, David, & Benj Rollason, Bilston, Stafford, Wire Manufacturers. Dec 4. Asst. Reg Jan 1.
Sheldon, John, Rochester, Stafford, Plumber. Dec 5. Asst. Reg Jan 1.
Tyrell, Edwd, Lansdowne-rd, Dalston, Tea Dealer. Dec. 12. Comp. Reg Jan 1.
Walters, Thos, Clay Cross, Derby, Miner. Dec 6. Asst. Reg Dec 29.
Williams, Nathaniel Newton, Crooked lane, Tailor. Dec 4. Comp. Reg Dec 30.
Wills, Wm, Jun, Stratford, Essex, Beer Merchant. Dec 30. Comp. Reg Jan 2.
Worrall, Joseph, Runcorn, Chester, Tailor. Dec 5. Asst. Reg Jan 1.

Bankrupts.

FRIDAY, Dec. 29, 1865.

To Surrender in London.

Anderson, Geo, Prisoner for Debt, London. Adj Dec 19. Jan 24 at 1.
Catlin, Wm, Prisoner for Debt, London. Adj Dec 19. Jan 24 at 12.
Chapman, Geo Augustus, Prisoner for Debt, London. Adj Dec 19. Jan 24 at 12.
Cullum, Joseph, City-rd, Bristle Merchant. Pet Dec 27. Jan 24 at 1.
Chidley, Old Jewry.
Dyer, Edwd, Prisoner for Debt, London. Adj Dec 22. Jan 24 at 2.
Easthope, John, Deptford Dockyard, Inspector of Stores. Pet Dec 29. Jan 16 at 1. Layton, jun, Church-row, Upper-st, Islington.
Frew, Jas Joseph, Easton-rd, Clerk. Pet Dec 27. Jan 10 at 1. Wyatt, New Ormond-st, Queen-sq.
Goldsmith, Phineas, Prisoner for Debt, London. Adj Dec 19. Jan 10 at 11. Aldridge.
Hogg, Robt, Cromer-st, Brunswick-sq, General Dealer. Pet Dec 27. Jan 10 at 12. Waldron, Lamb's Conduit st.
Lack, Joseph Hy, Doddington-grove, Surrey, Painter. Pet Dec 27. Jan 16 at 12. Olive, Portsmouth-st, Lincoln's-inn-fields.
Lasenge, Chas Edwds, Bread-st-hill, Merchant. Pet Dec 2. Jan 16 at 12. McCattlin, Ely-pl.
Lockhart, John Ingram, Prisoner for Debt, London. Adj Dec 19. Jan 24 at 12.
Lovelock, Wm, Maynard-st, Hornsey, Sub-contractor. Pet Dec 21. Jan 16 at 11. Layton, jun, Church-row, Upper-st, Islington.
Mace, Hy Wm, Prisoner for Debt, Maidstone. Adj Dec 22. Jan 24 at 1.
Mallandaine, John Elliott, Howard-st, Strand, Musician. Pet Dec 27. Jan 24 at 2. Lewis & Lewis, Ely-pl.
Marks, Elias, Middlesex-st, Whitechapel, Tailor. Pet Dec 23. Jan 24 at 12. Steadman, Coleman-st.
Paine, Jas, Cow-cross-st, Smithfield, Coach Builder. Pet Dec 27. Jan 24 at 2. Porter, Coleman-st.
Power, Geo John, Prisoner for Debt, London. Adj Dec 19. Jan 24 at 1.
Ragsdale, John, Nelson-yd, Old Kent-rd, Engineer. Pet Dec 23. Jan 10 at 12. Hall, Coleman-st.
Seymour, John, Prisoner for Debt, London. Adj Dec 19. Jan 10 at 11. Aldridge.
Thornback, Geo Marcum, Southampton, out of business. Pet Dec 27. Jan 24 at 2. Paterson & Son, Bouverie st.
Ufer, Wm, Milton-st, St Luke's, Dairyman. Pet Dec 26. Jan 10 at 12. Davies, Raring-st, Islington.
Wood, Fredk Hy, King-st, Chelsea, Licensed Appraiser. Pet Dec 23. Jan 24 at 12. Burn, Gt Carter-lane, Doctors'-commons.

To Surrender in the Country.

Atkinson, Agnes, Prisoner for Debt, Lancaster. Adj Dec 13. Lpool, Jan 8 at 3. Norton, Lpool.
Atkinson, Geo, Bilton-with-Harrogate, York, Grocer. Pet Dec 19. Leeds, Jan 15 at 11. Cariss & Tempest, Leeds.
Bowers, Joseph, Aston juxta-Birmingham, out of business. Pet Nov 30. Birm, Jan 8 at 10. Parry, Birm.
Carnicheal, Archibald, Exeter, Devon, Draper. Pet Dec 6. Exeter, Jan 8 at 11. Sale & Co, Manch.
Cassett, Wm, Everton, Lancaster, Manager. Pet Dec 21. Lpool, Jan 9 at 3. Grocott, Lpool.
Clarke, Saml, Tilston, Chester, out of business. Pet Dec 27. Chester, Jan 12 at 10. Cartwright, Chester.
Coates, Thos, Bradford, York, Comm Agent. Pet Dec 20. Bradford, Jan 9 at 9.45. Hill, Bradford.
Crane, Jas, Loughborough, Leicester, Clerk. Pet Dec 27. Loughborough, Jan 9 at 11. Deane, Loughborough.
Firth, Hy, Weston-super-Mare, Somerset, no trade. Pet Dec 27. Bristol Jan 10 at 11. Clifton, Bristol.
Gray, Fredk Geo, Prisoner for Debt, York. Adj Dec 16. Leeds, Jan 19 at 10.
Green, Chas, Redruth, Cornwall, Clock Maker. Pet Dec 21. Exeter, Jan 8 at 11. Paull & Co, Redruth.
Lloyd, Robt, Oswestry, Salop, Wheelwright. Pet Dec 26. Oswestry, Jan 16 at 11. Sabine, Oswestry.
McDonald, John, & Patrick McDonald, Lpool, Printers. Pet Dec 22. Lpool, Jan 10 at 3. Thornley, Lpool.
Penistan, Michael, & Jesse Daubney, Lincoln, Grocers. Pet Dec 15. Leeds, Jan 10 at 12. Tweed, Lincoln.
Phillips, Jos, Aberystwyth, Monmouth, Grocer. Pet Dec 16. Bristol, Jan 19 at 11. Henderson, Bristol.
Pierce, Ann, Prisoner for Debt, Lancaster. Adj June 14. Lpool, Jan 16 at 3. Ety, Lpool.
Rawe, Edwd, Aberystwyth, Cardigan, Tailor. Pet Nov 17. Aberystwyth, Jan 19 at 9. Jenkins, Aberystwyth.
Roberts, Wm, & Wm Townsend, Leeds, Machine Makers. Pet Dec 20. Leeds, Jan 15 at 11. Simpson, Leeds.
Rollins, Hy Harrison, Stoke-upon-Trent, Stafford, Watch Maker. Pet Dec 22. Stoke-upon-Trent, Jan 13 at 11. E. & A. Tennant, Hanley.
Ryan, Wm Belvis, St Helena, Lancaster, Theatrical Manager. Pet Dec 22. St Helena, Jan 11 at 11. Beasley, St Helena.
Smith, John, Wivenhoe, Essex, Licensed Brewer. Pet Dec 27. Colchester, Jan 13 at 11. Jones, Colchester.

Summers, John, South Shields, Durham, Joiner. Pet Dec 20. South Shields, Jan 8 at 11. Duncan, South Shields.
Thickett, Thos, Ekeington, Derby, Miner. Pet Dec 26. Chesterfield, Jan 16 at 11. Binney & Son, Sheffield.
Wallis, John, & Wm Hutchinson, Ramsbottom, Lancaster, Manufacturers. Pet Dec 20. Manch, Jan 17 at 12. Richardson, Manch.
West, Ann Isabella, Prisoner for Debt, Durham. Adj Dec 13. South Shields, Jan 8 at 12.

TUESDAY, Jan. 2, 1866.
To Surrender in London.

Birchall, Geo, Oakley-rd, Southgate-rd, Islington, out of business. Pet Dec 28. Jan 15 at 12. Hicks, Moorgate-st.
Barnford, Ry, Prisoner for Debt, London. Adj Dec 19. Jan 20 at 11.
Brown, Anselm, St John's-rd, Hoxton, Account Book Maker. Pet Dec 30. Jan 17 at 11. Kent, Cannon-st West.
Brown, Thos, & Edwd Brown, Hardington-st, Marylebone, Carpenters. Pet Dec 30. Jan 17 at 11. Clarke, St Mary's-sq. Paddington.
Campbell, Fredk Pearce, Prisoner for Debt, London. Pet Dec 30 (for pau). Jan 31 at 12. Howell, Cheapside.
Carter, John, Manor-st, Clapham, Baker. Pet Dec 30. Jan 31 at 12. Munday, Essex-st, Strand.
Cartwright, Thos, Prisoner for Debt, London. Adj Dec 19. Jan 20 at 11.
Crippen, Wm, Prisoner for Debt, Canterbury. Adj Dec 15. Jan 17 at 11. Aldridge, Moorgate-st.
Cusans, Edwin Augustus, Goring-st, Hackney-fields, Pork Butcher. Pet Dec 27. Jan 16 at 12. Byles, Lincoln's-inn-fields.
Dugan, Thos, Prisoner for Debt, London. Adj Dec 20. Jan 20 at 12.
Dunby, Alf, Beckford-row, Waltham-rd, Leather Merchant. Pet Dec 26. Jan 20 at 12. Mote, Bucklersbury.
Dyson, Harriet, Hemingford-rd, Islington, Dressmaker. Pet Dec 29. Jan 16 at 1. Mote, Warwick-st, Gray's-inn.
Fildes, Thos Danwell, Prisoner for Debt, London. Adj Dec 19 (for pau). Jan 20 at 11.
Fincham, Edwd, Garden-row, Southwark, Stamper at G. P. O. Pet Dec 30 (for pau). Jan 20 at 1. Kent & Kent, Cannon-st West.
Jones, Edwd, Dock-st, Upper East Smithfield, Licensed Victualler. Pet Dec 27. Jan 20 at 11. Lawrence & Co., Old Jewry-chambers.
Kearney, Robt Saml, Chiswell-st, Finsbury, Licensed Victualler. Pet Dec 29. Jan 20 at 1. King, Queen-st, Cheapside.
Lange, Julius, Bury-st, St Mary-axe, Tallow Merchant. Pet Dec 28. Jan 15 at 1. Kearsey, Bucklersbury.
Livesey, Jas, Prisoner for Debt, London. Adj Dec 22. Jan 20 at 12.
Lock, John, Prisoner for Debt, London. Pet Dec 27 (for pau). Jan 20 at 12. Munday, Essex-st, Strand.
Lovegrove, Jas Russen, Motcomb-st, Belgrave-sq, Stationer. Pet Dec 28. Jan 16 at 1. Langham & Son, Bartlett's-buildings.
Mellans, John Felix, St Anne-st, Knightsbridge, Cheesemonger. Pet Dec 19. Jan 16 at 1. Rooks, Coleman-st.
Miller, Edwd, Putney, Surrey, Baker. Pet Dec 22. Jan 31 at 12. G. & E. Hilleary, Fenchurch-buildings.
Nicholls, Nathaniel Horick John, Pentonville-rd, Gent. Pet Dec 29. Jan 15 at 1. Goldrick, Strand.
Pocknell, Thos, Prisoner for Debt, Maidstone. Adj Dec 22. Jan 16 at 12.
Rawson, Hy, Prisoner for Debt, London. Adj Dec 19. Jan 20 at 11.
Raymond, Jas Southcott, Jernyn-st, St James, Stationer. Pet Jan 1. Jan 17 at 11. Plunkett, Milk-st, Cheapside.
Sewell, John, Uppingham, Rutland, Fellsomonger. Pet Dec 28. Jan 19 at 12. Wright & Bonner, London-st, Fenchurch-st.
Smith, Saml, Fish-st-hill, Builder. Pet Dec 29. Jan 15 at 1. Langton, Walbrook.
Swonell, Edmund, Croxted-rd, Dulwich, Hop Merchant. Pet Dec 28. Jan 20 at 12. Parkes, Beaufort's buildings.
Westmore, Hy Jas, Prisoner for Debt, Winchester. Adj Dec 18. Jan 16 at 1.
Wannan, Robt, High-st, Hampton-wick, Painter. Pet Dec 29. Jan 15 at 1. Ody, Trinity-st, Southwark.

To Surrender in the Country.

Allington, Wm, Worcester, Journeyman Carpenter. Pet Dec 28. Worcester, Jan 16 at 11. Wilson, Worcester.
Banton, Edwd, Walsall, Stafford, Saddler's Ironmonger. Pet Dec 28. Birm, Jan 10 at 12. Smith, Birm.
Bieble, John, Hulme, Lancaster, Chemist's Assistant. Pet Dec 30. Manch, Jan 15 at 9.30. Law, Manch.
Biscock, Hy, Chestnut-hill, nr Manch, Butcher. Pet Dec 28. Manch, Jan 17 at 11. E. & T. Heath, Manch.
Bradshaw, Wm Jas, Manch, Beer Retailer. Pet Dec 29. Manch, Jan 15 at 9.30. Elloff, Manch.
Bridgewater, Wm Rowley, Oldswinford, Worcester, Spade Maker. Pet Dec 29. Stourbridge, Jan 19 at 10. Price, Stourbridge.
Brookes, Edwd, Llandudno, Miner. Pet Dec 27. Conway, Jan 15 at 12. Jones, Conway.
Byrlee, John, Bodmin, Cornwall, Druggist. Pet Dec 29. Exeter, Jan 12 at 12. Hirtzel, Exeter.
Chaloner, Thos, Barthor, Derby, Farmer. Pet Dec 30. Leeds, Jan 19 at 12. Prettson, Sheffield.
Chesno, Fredk, Ruthin, Denbigh, Medical Student. Pet Dec 28. Lpool, Jan 15 at 11. Littledale & Co, Lpool.
Duckwith, Geo, Ezard, Bishop Wilton, York, Tailor. Pet Dec 27. Pockington, Jan 13 at 11. Grayston, Jun, York.
Eynon, John, Birm, Draper. Pet Dec 28. Birm, Jan 26 at 10. Wright, Birm.
Glover, Jas, Coventry, Warwick, Plumber. Pet Dec 29. Birm, Jan 15 at 12. Minster & Son, Coventry.
Griffiths, Jas, Manch, Crinoline Manufacturer. Pet Dec 28. Manch, Jan 16 at 11. Leigh, Manch.
Heaven, Joseph, Stroud, Gloucester, Linkeoper. Pet Dec 29. Stroud, Jan 19 at 10. Wichele, Stroud.
Jackson, John, Malton, Yorkshire, Labourer. Pet Dec 23. York, Jan 17 at 11. Mison, York.
Jackson, John, Lpool, Bookkeeper. Pet Dec 20 (for pau). Lancaster, Jan 19 at 12. Rawlinson, Lancaster.

Jarman, Thos, Rhayader, Radnor, Auctioneer. Pet Dec 23. Rhayader, Jan 25 at 11. Jones, Newtown.
Jones, Joseph, Bristol, Porter. Pet Dec 28. Bristol, Jan 12 at 12. Abbott & Leonard.
Lee, Richd, Malpas, Chester, Farmer. Pet Dec 20. Whitchurch, Jan 24 at 11. Croxon, Oswestry.
Leicester, Peter, Lpool, Comm Agent. Pet Dec 29. Lpool, Jan 16 at 11. Brown, Lpool.
Leivers, Oliver, Greasale, Nottingham, Joiner. Pet Dec 30. Nottingham, Jan 31 at 11. Browne, Nottingham.
Lilley, Simeon, Birm, Fog Signal Manufacturer. Pet Dec 23. Birm, Jan 15 at 12. Allenby, Birm.
Morris, Thos, Llandudno, Joiner. Pet Dec 27. Conway, Jan 15 at 12. Jones, Conway.
Murdock, Jas, Hastings, Sussex, Eatinghouse Keeper. Pet Dec 50. Hastings, Jan 20 at 11. Shorter, Hastings.
Poynter, John, Eccles, Lancaster, Linen Yarn Merchant. Pet Dec 30. Manch, Jan 15 at 11. Farrington, Manch.
Prescott, Hugh, Eccleston, nr Chorley, Lancaster, Farmer. Pet Dec 26 (for pau). Chorley, Jan 11 at 10. Morris, Chorley.
Prest, Wm, York, Painter. Pet Dec 27. York, Jan 13 at 11. Dale, York.
Russell, Benj, Sharrington, Norfolk, Harness Maker. Pet Dec 28. Little Walsingham, Jan 18 at 3. Loynes & Son, Wells.
Ryzner, Geo Wright, Bishopwearmouth, Durham, Shopman. Pet Dec 26. Sunderland, Jan 17 at 3. Graham, Sunderland.
Stretch, Jas Briggs, Gloucester, Wine Merchant. Pet Dec 23. Bristol, Jan 12 at 11. Lovegrove, Gloucester, and Abbot & Leonard, Bristol.
Stubley, Hezekiah, Dewsbury, York, Shopkeeper. Adj Sept 26. Dewsbury, Jan 19 at 3. Iberson, Dewsbury.
Taverner, John, Appleby, Derby, Butcher. Pet Dec 19 (for pau). Derby, Jan 17 at 12. Leech, Derby.
Travaskis, John, Prisoner for Debt, Lpool. Adj Dec 20. Lpool, Jan 16 at 11.
Vincent, Steph, North Bradley, Wilts, Butcher. Pet Dec 18. Trowbridge, Jan 8 at 11. Shrapnell, Bradford.
Walker, Herbert Edwin, Birm, Licensed Victualler. Pet Dec 23. Birm, Jan 15 at 12. Southall & Nelson, Birm.
Watson, Hy, Caistor, Lincoln, Butcher. Pet Dec 22. Caistor, Jan 12 at 12. Rex, Lincoln.
Webb, Wm, York, Telegraph Line Man. Pet Dec 27. York, Jan 13 at 11. Grayson, Jun, York.
Wells, Geo, Hastings, Sussex, Hotelkeeper. Pet Dec 30. Hastings, Jan 20 at 11. Shorter, Hastings.
Weston, Geo, Derby, Cattle Dealer. Pet Dec 26. Derby, Jan 17 at 12. Smith, Derby.
Wilkinson, Ennice, Sheerness, Kent, Boot Dealer. Pet Dec 22 (for pau). Sheerness, Jan 10 at 11.
Williams, Jas, Birkenhead, Chester, Publican. Pet Dec 28. Lpool, Jan 15 at 11. Smith, Lpool.

BANKRUPTCIES ANNULLED.

TUESDAY, JAN. 2, 1866.

Goodson, John Wm, Lupus-st, Pimlico, Builder. Dec 4.
Harrison, Gustave, Lpool, General Outfitter. Dec 29.

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Table Forks, per doz.....	1	0	0	1	0	0
Dessert ditto	1	0	0	1	0	0
Table Spoons	1	0	0	1	0	0
Dessert ditto	1	0	0	1	0	0
Tea spoons	0	12	0	0	12	0

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